

By Mr. GARD: A bill (H. R. 17702) granting an increase of pension to Frank Selmar; to the Committee on Pensions.

Also, a bill (H. R. 17703) granting a pension to Milton L. Stover; to the Committee on Pensions.

By Mr. HASTINGS: A bill (H. R. 17704) granting an increase of pension to Samuel H. Smith; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 17705) granting an increase of pension to Sarah A. Keffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17706) granting an increase of pension to John T. Whetzal; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 17707) granting an increase of pension to U. J. Favorite; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 17708) granting a pension to Christein Stewart; to the Committee on Invalid Pensions.

By Mr. STAFFORD: A bill (H. R. 17709) granting a pension to Sabina Fallon; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRUMBAUGH: Petition of Nicholas Wirthwein, Louis Seibert, George Ewall, Peter Albritz, A. H. Werder, Emil Weiderhald, Joseph King, Charles F. Gerhold, and other citizens of Columbus, Ohio, protesting against Great Britain's seizure of mails and noncontraband supplies consigned to neutral ports; to the Committee on Foreign Affairs.

By Mr. CURRY: Petition of State Board of Viticultural Commissioners of California, that the impending railroad strike may be avoided, and that the Congress will take proper steps to insure the steady and unhampered shipment of freight; to the Committee on Interstate and Foreign Commerce.

Also, petition of California Electric Railway Association, asking that electric railways earning less than 15 per cent of revenue from interstate traffic be exempted from proposed railway legislation; to the Committee on Interstate and Foreign Commerce.

Also, petition of Vallejo Trades and Labor Council in behalf of an eight-hour day and other legislation proposed in behalf of railway employees; to the Committee on Interstate and Foreign Commerce.

Also, petition of certain railway employees of Brighton, Cal., favoring the passage of the so-called railroad employees' eight-hour-day bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of William T. Appleton, of Boston, Mass., favoring passage of the game-sanctuary bill, House bill 11712; to the Committee on Agriculture.

Also, memorial of Philadelphia Bourse, relative to regulating actions of public-service employees; to the Committee on Interstate and Foreign Commerce.

By Mr. EDMONDS: Petition of Manufacturers' Club of Philadelphia, Pa., favoring principles of arbitration; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: Petition of William T. Appleton, of Boston, Mass., favoring passage of the game-sanctuary bill, House bill 17130; to the Committee on Agriculture.

Also, memorial of Philadelphia Bourse, relative to regulating certain public-service employees; to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: Petitions of sundry citizens of the State of Washington, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Petition of Pennsylvania Pharmaceutical Association, to support tariff bill for protection to American industries; to the Committee on Ways and Means.

By Mr. MATTHEWS: Evidence to accompany House bill 17695, for the relief of William L. Wiles; to the Committee on Military Affairs.

By Mr. RANDALL: Petitions of Tenth Avenue Baptist Church, of Oakland; Washington Street Methodist Episcopal Church, of Pasadena; and Garvanza Methodist Episcopal Church, of Los Angeles, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Memorial of Chamber of Commerce of Dallas, Tex., favoring arbitration of labor disputes with railroad companies; to the Committee on Interstate and Foreign Commerce.

By Mr. TAGUE: Petition of City Council of Lawrence, Mass., relative to returning to their homes, etc., men who volunteered for their country's service; to the Committee on Military Affairs.

By Mr. TINKHAM: Memorial of City Council of Lawrence, relative to restoring to homes and families men who volunteered for their country's service; to the Committee on Military Affairs.

By Mr. WILLIAMS of Ohio: Petition of Deposits Saving & Trust Co., of Akron, Ohio, in re interference with transmission of mails; to the Committee on Foreign Affairs.

SENATE.

FRIDAY, September 1, 1916.

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee this morning under the pressure of a national crisis, facing issues which we must face in the fear of God, with the love of our brother man in our hearts. We ask for divine guidance and wisdom. We pray that there may be no conflict of interest that will separate heart from heart in this blessed fellowship of our national life, but that we may be enabled to see and to discern that there is no conflict of duty and no conflict of interest in this land of ours. Thou hast put into our hands in trust great responsibilities. Thou hast lavished the wealth of a great Nation upon us. Thou hast also given to us great principles of government as a part of our trust. Grant that we may draw from Thee such wisdom and grace as that we may justify our stewardship before God and men. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore took the chair and directed that the Journal be read.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, August 29, 1916, when, on request of Mr. Smoot and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ESTIMATE OF APPROPRIATIONS (S. DOC. NO. 541).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting a supplemental and additional estimate of appropriation, in the sum of \$60,000, required by the War Department for the service of the fiscal year ending June 30, 1917, for public printing and binding, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The Chair lays before the Senate telegrams from the executive committee of the Chamber of Commerce of the State of New York, of New York City; from the Merchants and Manufacturers' Association, of Baltimore, Md.; and from the Chamber of Commerce and Federation of Allied Interests, of Tulsa, Okla., all bearing upon the subject of the threatened railway strike, which will be referred to the Committee on Interstate Commerce.

Mr. McCUMBER presented a petition of sundry citizens of Edgeley and La Moure, in the State of North Dakota, praying for the prohibition of the exportation of intoxicating liquor to Africa, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Grand Forks, N. Dak., remonstrating against the proposed enactment of legislation for compulsory arbitration of labor disputes, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Ludden, N. Dak., remonstrating against the enactment of legislation for compulsory observance of Sunday in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. PHELAN presented memorials of sundry citizens of California, remonstrating against the proposed retention of the stamp tax on insurance companies, which were ordered to lie on the table.

ENLISTMENTS IN THE ARMY.

Mr. TAGGART. My attention has been called to the bill (H. R. 17183) to prevent the enlistment of negroes in the military service of the United States. I addressed a letter to the Secretary of War on the subject and have received a reply from him. I ask that my letter, together with the reply of the Secretary of War and the bill referred to, which is short, may be printed in the Record.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

UNITED STATES SENATE,
COMMITTEE ON FOREST RESERVATIONS
AND THE PROTECTION OF GAME,
August 28, 1916.

Hon. NEWTON D. BAKER,
Secretary of War.

DEAR MR. SECRETARY: My attention has been called to H. R. 17183, introduced in the House of Representatives July 27, 1916, which I am inclosing herewith.

This bill states that hereafter there shall not be enlisted or reenlisted in the military service of the United States, either in the Army or Navy, any person of the negro or colored race. I feel sure that this bill does not meet with the wishes of the War Department. There are several occasions that call to my mind the valor and loyalty of the negro soldiers, and only recently their bravery was shown at Carrizal, Mexico.

I am opposed to this bill.
Hoping to hear from your department that this bill does not meet with your approval, and with personal regards, I beg to remain,
Yours, very truly,

T. TAGGART.

WAR DEPARTMENT,
Washington, August 30, 1916.

Hon. THOMAS TAGGART,
United States Senate.

MY DEAR SENATOR: I have received your letter of August 28 and read the copy of H. R. 17183 which you inclosed.

My attention had not been before called to this bill, and, so far as I know, it has not been referred to this department for opinion. The purpose of the bill is to prevent the enlistment or reenlistment of people of the colored race in the military service of the United States. Any such bill would receive the disapproval and adverse recommendation of this department.

Those who are familiar with the history of our country from the armies organized by George Washington in the American Revolution down to the present day know that brave and often conspicuously gallant service has been rendered by colored troops. In the most recent instance, at Carrizal, in Mexico, these colored troops conducted themselves with the greatest intrepidity, and reflected nothing but honor upon the uniform they wore.

Very truly, yours,

NEWTON D. BAKER,
Secretary of War.

A bill (H. R. 17183) to prevent the enlistment of negroes in the military service of the United States.

Be it enacted, etc., That hereafter there shall not be enlisted or reenlisted in the military service of the United States, either in the Army or Navy, any person of the negro or colored race.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Finance, to which was referred the bill (S. 1724) to reimburse the First National Bank of Owatonna, Minn., for revenue stamps stolen or lost in transit, reported it without amendment and submitted a report (No. 845) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 6862. A bill for the relief of Amos Dahuff (Rept. No. 848); and

H. R. 3223. An act for the relief of John W. Baggott (Rept. No. 849).

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 169) interpreting section 50 of the act of June 3, 1916, for making further and more effectual provision for the national defense, and for other purpose, reported it without amendment and submitted a report (No. 847) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 784) to authorize the sale of certain lands at or near Belton, Mont., for hotel purposes, reported it with an amendment and submitted a report (No. 846) thereon.

He also, from the Committee on Military Affairs, to which was referred the bill (S. 1568) to correct the military record of Adolph F. Hitchler, reported it with amendments and submitted a report (No. 856) thereon.

He also, from the same committee, to which was referred the bill (S. 4667) for the relief of James Duffy, reported it with an amendment and submitted a report (No. 855) thereon.

Mr. WADSWORTH, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted a report thereon:

H. R. 1358. An act for the relief of Everett H. Corson (Rept. No. 850);

H. R. 1568. An act for the relief of N. Ferro (Rept. No. 851); and

H. R. 3238. An act for the relief of Sarah E. Elliott (Rept. No. 852).

Mr. BRYAN, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 1963. An act for the relief of John E. Keys (Rept. No. 836);

H. R. 12145. An act for the relief of Joseph Manning (Rept. No. 837);

H. R. 12240. An act for the relief of John Brodie (Rept. No. 838);

H. R. 13106. An act for the relief of the trustee and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will (Rept. No. 839);

H. R. 13820. An act for the relief of Mrs. Jennie Buttner (Rept. No. 840);

H. R. 14572. An act for the relief of Gertie Foss (Rept. No. 841);

H. R. 14645. An act for the relief of the legal representative of P. H. Aylett (Rept. No. 842); and

H. R. 14784. An act for the relief of Alma Provost (Rept. No. 843).

He also, from the same committee, to which was referred the bill (H. R. 2535) for the relief of A. H. Rebutish, submitted an adverse report (No. 844) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (H. R. 10007) for the relief of William H. Woods, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs, which was agreed to.

He also, from the same committee, to which was referred the bill (H. R. 11685) for the relief of Ivy L. Merrill, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs, which was agreed to.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (H. R. 6145) for the relief of Edward F. McDermott, alias James Williams, reported it with amendments and submitted a report (No. 857) thereon.

Mr. BECKHAM, from the Committee on Military Affairs, to which was referred the bill (S. 61) to correct the military record of Samuel D. Chase, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 5759) for the relief of James Dodds, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 5184) for the relief of Ephraim A. Brown, reported adversely thereon, and the bill was postponed indefinitely.

NIAGARA RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce, I reported back favorably with an amendment the bill (H. R. 17235) granting the consent of Congress to W. H. Crosby; W. H. Andrews; E. G. Connette; Daniel Good; Henry May; Robert C. Gaupp; Edward Kener, jr.; William F. MacGlashan; and William A. Morgan to construct a bridge across Niagara River within or near the city limits of Buffalo, and for other purposes, and I submit a report (No. 854) thereon.

Mr. WADSWORTH. I ask unanimous consent for the present consideration of the bill.

Mr. GALLINGER. Mr. President, it had been suggested to me that there was more or less opposition to this bill, but upon investigation and inquiry I find no ground for it, and I believe the bill ought to pass.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the committee was, on page 1, line 6, after the name "MacGlashan," to insert "Eugene L. Falk; John W. Robinson; John M. Willys; Oliver Cabana, jr.; Conrad E. Wettlaufer; H. A. Hurt; George J. Meyer; Myron S. Hall; John Lord O'Brian; Frank S. McGraw," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to W. H. Crosby; W. H. Andrews; E. G. Connette; Daniel Good; Henry May; Robert C. Gaupp; Edward Kener, jr.; William F. MacGlashan; Eugene L. Falk; John W. Robinson; John M. Willys; Oliver Cabana, jr.; Conrad E. Wettlaufer; H. A. Hurt; George J. Meyer; Myron S. Hall; John Lord O'Brian; Frank S. McGraw; and William A. Morgan, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Niagara River at a point suitable to the interests of navigation, within or near the city limits of Buffalo, in the county of Erie, in the State of New York, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided,* That subject to the provisions of this act the Secretary of War may permit the persons herein named to construct a tunnel or tunnels under said river in lieu of the bridge herein authorized, in accordance with the foregoing act approved March 23, 1906, so far as the same may be applicable.

SEC. 2. That this act shall be null and void unless the construction of said bridge or tunnels is commenced within two years and completed within five years from the date of approval hereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act granting the consent of Congress to W. H. Crosby; W. H. Andrews; E. G. Connette; Daniel Good; Henry May; Robert C. Gaupp; Edward Kener, jr.; William F. MacGlashan; Eugene L. Falk; John W. Robinson; John M. Willys; Oliver Cabana, jr.; Conrad E. Wettlaufer; H. A. Hurt; George J. Meyer; Myron S. Hall; John Lord O'Brian; Frank S. McGraw; and William A. Morgan to construct a bridge across Niagara River within or near the city limits of Buffalo, and for other purposes."

JOHN P. SUTTON.

Mr. HITCHCOCK. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 16719) for the relief of John P. Sutton, and I submit a report (No. 853) thereon. I ask unanimous consent for the present consideration of the bill. It is a House bill and is very short.

Mr. SMOOT. Let it be read.

Mr. HITCHCOCK. I will explain it to the Senator from Utah.

Mr. SMOOT. That is what I desire the Senator to do.

Mr. HITCHCOCK. This person enlisted under the name of Gilbert Sutton and served three years in the Army. His real name was John P. Sutton. The bill has passed the House. It simply proposes to give him an honorable discharge in his real name instead of his wrong name. There is no question of desertion. He had a good record.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It provides that in the administration of the pension laws John P. Sutton, who enlisted in Company H, Eighteenth Regiment United States Infantry, on the 27th day of March, 1866, under the name of Gilbert Sutton, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment under his true name of John P. Sutton.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING (by request):

A bill (S. 6977) for the relief of Elmer Stevenson; to the Committee on Post Offices and Post Roads.

By Mr. ASHURST:

A bill (S. 6978) to correct the military record of Paul Hubner; to the Committee on Military Affairs.

A bill (S. 6979) granting an increase of pension to Samuel J. Rhodes; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 6980) granting a pension to Alfred P. Crump; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 6982) granting an increase of pension to Nellie A. Belden (with accompanying papers); to the Committee on Pensions.

WITHDRAWAL OF PAPERS—AUGUSTUS BOYD.

On motion of Mr. PENROSE it was

Ordered, That the papers accompanying the bill (S. 594) to place on the retired list with the rank of captain, Augustus Boyd, Fifty-fourth Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

RECESS.

Mr. SIMMONS. Mr. President, when we adjourned yesterday until 10 o'clock this morning it was understood that the chairman of the Committee on Interstate Commerce would be ready to report to the Senate a bill dealing with the railroad situation. We are now advised that the chairman will not be able to present a bill before 11 o'clock. We are also advised that a Republican conference has been called to meet at 10 o'clock, and it is desired that we shall take a recess in order to enable them to proceed with their conference. I therefore move—

The PRESIDENT pro tempore. The morning business has not yet closed. Will the Senator withhold the motion for a few moments and let us dispose of the routine morning business? It will require only a little further time.

Mr. SIMMONS. Is it not in order to move a recess at any time?

The PRESIDENT pro tempore. Yes; the Chair is inclined to hold that the motion would be in order.

Mr. SIMMONS. As I have stated, the other side have called a conference to meet at 10.

The PRESIDENT pro tempore. The Chair merely made the suggestion to the Senator from North Carolina.

Mr. SIMMONS. It is now past the hour of 10. Of course, if there is any special matter that needs attention, I would not insist on it.

Mr. MYERS. If the Senator will yield to me, I can name a special matter, and I hope the Senator will not make the motion to take a recess. I want to move to take up from the calendar the 640-acre homestead bill, a House bill which should be passed by the Senate. It is a short bill, and it will not take long to dispose of it.

The PRESIDENT pro tempore. That is a bill on the calendar and does not take precedence of the routine business.

Mr. MYERS. I should like very much to have the Senate attend to some business this morning.

The PRESIDENT pro tempore. The motion of the Senator from North Carolina is in order.

Mr. SIMMONS. I make the motion because I think it is due to the other side of the Chamber, who have called their conference for 10 o'clock. Their conference, I understand, is to consider the very grave questions that are now pending. I therefore move that the Senate take a recess until 1 o'clock.

Mr. MYERS. I hope the motion will not prevail. I want the Senate to take up the 640-acre homestead bill.

Mr. PENROSE and others. Question!

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina that the Senate take a recess until 1 o'clock.

The motion was agreed to; and (at 10 o'clock and 12 minutes a. m.) the Senate took a recess until 1 o'clock p. m., at which hour it reassembled.

CALLING OF THE ROLL.

Mr. GALLINGER. Mr. President, I would suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New Hampshire suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Overman	Simmons
Bankhead	Kenyon	Page	Smith, Ariz.
Chamberlain	Kern	Penrose	Smith, Md.
Clapp	Lane	Phelan	Smoot
Clarke, Ark.	Lee, Tenn.	Hittman	Swanson
Curtis	Lee, Md.	Pomeroy	Taggart
Fletcher	Lewis	Ransdell	Thomas
Gallinger	Martin, Va.	Robinson	Underwood
Gronna	Myers	Shafroth	Wadsworth
Hitchcock	Newlands	Sheppard	Warren
Husting	O'Gorman	Shields	Williams

The PRESIDENT pro tempore. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. DILLINGHAM, Mr. DU PONT, Mr. HUGHES, Mr. LA FOLLETTE, Mr. McCUMBER, Mr. SAULSBURY, Mr. SMITH of South Carolina, Mr. VARDAMAN, and Mr. WALSH answered to their names when called.

Mr. BECKHAM entered the Chamber and answered to his name.

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is detained on account of illness in his family. I will let this announcement stand for the day.

Mr. McLEAN, Mr. NORRIS, Mr. BRYAN, and Mr. SMITH of Georgia entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. A quorum of the Senate is present.

PROPOSED RAILROAD LEGISLATION.

Mr. NEWLANDS. I introduce a bill and ask that it be read twice by its title and referred to the Committee on Interstate Commerce.

The bill (S. 6981) to establish the eight-hour standard work-day in interstate transportation, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 17645) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior fiscal years, and for other purposes, in which it requested the concurrence of the Senate.

PUBLIC BUILDING AT MADISON, WIS.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 14391) authorizing the purchase of a site and the erection of a public building thereon at Madison, Wis., was read twice by its title.

Mr. SWANSON. I ask unanimous consent that this bill, which has passed the House, be considered by the Senate. I will say that it proposes simply to change \$55,000 that was appropriated in 1913 to tear down the old building at Madison, Wis., and erect on the site a new building. They have since ascertained that it would be much better to sell the land on which it was proposed to tear down the old building and buy a new site upon which to erect a new post-office building.

This bill has passed the House. It simply provides that the old site may be sold, the money paid into the Treasury, and the amount of money appropriated heretofore shall be available for the purchase of a site and the erection of the new building. There is no increase of appropriation at all.

Mr. GALLINGER. I have no doubt this is a good bill but—

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. GALLINGER. I suggest that it go to the committee.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Public Buildings and Grounds.

HOUSE BILL REFERRED.

H. R. 17645. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior fiscal years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had, on September 1, 1916, approved and signed the following act:

S. 5103. An act authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or parcel of land owned by the United States Government on the Great Kanawha River in West Virginia.

THE REVENUE.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which is House bill 16763.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16763) to increase the revenue, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the adoption of the amendment offered by the Senator from New Hampshire [Mr. GALLINGER], which will be stated.

The SECRETARY. On page 135, lines 19 and 20, strike out the words "a part of the classified service" and substitute the words "appointed from the list of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law."

Mr. GALLINGER. Mr. President, as I suggested on yesterday, in the shipping bill and the so-called compensation bill I offered a similar amendment in each case providing that these appointments shall be made from the classified service. There are a large number of men and women on the eligible list who have spent their money and given their time to take examinations. Examinations are now being held all over the country for the purpose of increasing the eligible list. It is very bad legislation, as I look at it, to provide that the subordinate officials shall be appointed without reference to the civil service of the country.

I have not had time to look at those bills as they finally became laws to see what became of the amendment the Senate put in, without any opposition whatever, whether they remained in the bill; but whether they did or not, Mr. President, there is every reason why the amendment I have offered should be agreed to by the Senate, which I trust will be the result.

The PRESIDENT pro tempore. The question is on the adoption of the amendment to the amendment.

Mr. JONES. Mr. President, I think in connection with this provision of the bill it would be interesting to note the provisions of the various laws that have been passed during this Congress with reference to the civil service, and I am going to take the time of the Senate just for a little while to call attention to those various provisions.

This administration is run on a "state-of-mind" plan, on a psychological basis and on the theory that what it says is, is. If the people can be hypnotized by a wave of the hand and a command or dictum into accepting this theory of running the Government, we may see it followed through another four years.

The President tells the people that their ills do not in fact exist, and expects them to believe it, and he tells the business interests that the difficulties under which they labor are only psychological, and that is supposed to end their troubles.

Time and again crude, cumbersome, expensive, and half-digested laws have been signed with great ostentation and elaborate theatrical settings, and the people have been assured that they are the acme of legislative wisdom and sure panaceas for all the ills that afflict them, whether actual or imaginary. They are told not to worry any more, all is well. There is not anything really wrong. They only think so. For some perverse, occult, and sinister reason the people can not trace any beneficial results to these laws, but "hope springs eternal in the human breast"; "the future is before us," and all may be well.

This administration came into power upon a platform of promises to the American people, which it declared itself were to be kept and which its candidate declared was not "molasses to catch flies." It seemed to assume that, having so declared, it could disregard these promises ad libitum, and began its career by directly repudiating one of these promises at the dictation of the President. Platform promises have never in the history of political parties been so flagrantly repudiated or disregarded as during the past three years. The Democratic Party has treated its platform pledges as pledges not to be kept and as "molasses to catch flies." It did not have the nerve to declare in its 1916 platform that its pledges are to be kept, and you will not hear its candidate, if he is ever notified of his nomination, saying anything about "molasses to catch flies."

Let us take one declaration of party policy, one pledge that was not "molasses to catch flies," and see how performance squares with promise, and leave it to the people to decide whether a mere dictum shall be accepted as against affirmative action.

Party divisions are based upon principles and not upon spoils. The people want efficiency in government, rather than partisan success. They favor the merit system in government rather than "to the victor belongs the spoils." Knowing this, the Democratic Party declared in its platform of 1912:

The laws pertaining to the civil service should be honestly and rightly enforced, to the end that merit and ability shall be the standard of appointment and promotion rather than service rendered to a political party.

Have they kept this pledge? What action have they taken to comply with it. The first important act passed was the Underwood-Simmons Tariff Act of October 3, 1913. It imposed many new and unusual taxes, and made necessary the selection and appointment of many new employees. Was the civil-service law applied in the selection of such employees, to the end that "merit and ability" should be the standard of appointment rather than party service? Not at all. It was expressly provided in the act that—

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to appoint * * * all necessary officers, agents, inspectors, deputy collectors, clerks, messengers, and janitors.

Additional employees were needed in the office of the Commissioner of Internal Revenue at Washington. Were they to be selected under the civil-service law? They could have been, and this would have been the proper course to take if the civil-service law was to be regarded. It was specially provided in the law, however, that—

In the office of the Commissioner of Internal Revenue, at Washington, D. C., there shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, one additional deputy commissioner, at a salary of \$4,000 per annum; two heads of division, whose compensation shall not exceed \$2,500 per annum, and such other clerks, messengers, and employees * * * as may be necessary: *Provided*, That for a period of two years from and after the passage of this act the force of agents, deputy collectors, inspectors, and other employees, not including the clerical force below the grade of chief of division employed in the Bureau of Internal Revenue, in the city of Washington, D. C., authorized by this section of this act shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, under such rules and regulations as may be fixed by the Secretary of the Treasury to insure faithful and competent service, and with such compensation as the Commissioner of Internal Revenue may fix, with the approval of the Secretary of the Treasury, within the limits herein prescribed.

That was a positive legislative repudiation of the civil-service system as applicable to hundreds of employees to be appointed to carry out the revenue act. On a motion to strike out this proviso the yeas were 32—all Republicans—and the nays 37—all Democrats. On an amendment by Senator GALLINGER to require these employees to be selected under civil-service rules, yeas 32, nays 37.

A few days afterwards, to wit, October 22, 1913, there was approved an appropriation bill which contained a provision expressly repealing the civil-service law as applicable to deputy collectors of internal revenue and deputy marshals, who had been, pursuant to law, placed within the operation of the civil-

service system. The urgent deficiency act, upon its first page, provided as follows:

Provided, That hereafter any deputy collector of internal revenue or deputy marshal who may be required by law or authority or direction of the collector of internal revenue or the United States marshal to execute a bond to the collector of internal revenue or the United States marshal to secure faithful performance of official duty may be appointed by the said collector or marshal, who may require such bond, without regard to the provisions of an act of Congress entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and amendments thereto, or any rule or regulation made in pursuance thereof, and the officer requiring said bond shall have the power to revoke the appointment of any subordinate officer or employee and appoint his successor at his discretion without regard to the act, amendments, rules, or regulations aforesaid.

The pressure was too great, the spoils were too inviting. Efficiency of service must give way to the rewards of party loyalty, and these official positions that had been placed under the operation of the civil-service law in the interests of the people and of efficiency and economy were to be used under the authority of a special legislative provision as rewards for party service.

The Federal reserve act was approved August 15, 1914. Under its provisions many additional clerks and employees were required. Was their selection left to the efficiency system? Was the platform pledge observed? Not at all. The administration of this act must also be made subject to party rewards, and the Federal Reserve Board was given authority—

To employ such attorneys, experts, assistants, clerks, or other employees as may be deemed necessary to conduct the business of the board. All salaries and fees shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the members of said board. All such attorneys, experts, assistants, clerks, and other employees shall be appointed without regard to the provisions of the act of January 16, 1883 (22 Stat. L., 403), and amendments thereto, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

These various employees are not to be selected under the civil-service system, but immediately upon their appointment the President can classify them under the system. In filling the offices our Democratic friends are for the spoils; when the offices are filled they are for clinching their hold on the spoils by applying the merit system.

The act to create a Federal Trade Commission was approved September 26, 1915. It also created many additional offices, and its administration would require the appointment of many additional clerks and employees. The provision relating to its employees is a very peculiar one. It is hard to see just what is the intention with reference to the appointment of the employees necessary to carry out the provisions of this act. It provides:

The commission shall appoint a secretary, who shall receive a salary of \$5,000 a year, payable in like manner, and it shall have the authority to employ and fix the compensation of such attorneys, special experts, examiners, clerks, and other employees as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress.

This would seem to place the authority to employ clerks and other employees directly in the hands of the Federal Trade Commission without regard to the civil-service law. It is qualified to a certain extent by a provision that all employees of the commission excepting certain special ones shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission.

One thing is certain, the Federal Trade Commission will determine the rules and regulations under which these employees will enter the service, notwithstanding the act gives the Civil Service Commission some concurrent authority in the matter. The act is careful to provide, however, that the employees of the commission, after they get into the service, whether as a reward for party service or otherwise, "shall be a part of the classified civil service."

The act providing for a Federal Farm Loan Board, approved July 17, 1916, will require the employment of many clerical officers and other employees, and care was taken to eliminate the operation of the merit system in the appointment of these officials and to apply it after their appointment, in order, if possible, to insure the continuance of the reward given for party service.

This act provides:

The Federal Farm Loan Board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board. All salaries and fees authorized in this section and not otherwise provided for shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the Federal Farm Loan Board. All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars, examiners, and appraisers shall be appointed without regard to the provisions of the act of January 16, 1883 (Vol. XXII, United States Statutes at Large, p. 403), and amendments thereto, or any rule or regulation made in pursuance

thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

The shipping bill which has now passed and which will no doubt become a law authorizes the appointment of a shipping board and also necessitates the employment of several hundred clerks and other officials. No attention is paid either to the declaration of the platform of 1912 or the declaration in the platform of 1916, but it is provided that:

The board shall appoint a secretary, at a salary of \$5,000 per annum, and employ and fix the compensation of such attorneys, officers, naval architects, special experts, examiners, clerks, and other employees as it may find necessary for the proper performance of its duties as may be appropriated for by the Congress.

After these appointments are made and these officials are inducted into office without regard to the civil service, it is expressly provided that all employees of the board, with certain exceptions, shall be "part of the classified civil service."

It was reported by the committee to the Senate, the Senate modified it by an amendment offered by the Senator from New Hampshire [Mr. GALLINGER], and this amendment was accepted in the House, as were all the amendments made by the Senate to the shipping bill. If the bill had gone to conference there is not any doubt in my mind but that that provision would have been eliminated and it would have been reported here as it passed the House and as reported by the committee.

In the revenue act of this session, which has been reported to the Senate, an amendment has been inserted by the Senate committee reading as follows:

SEC. 47. For the expense connected with the assessment and collection of the taxes provided by this act there is hereby appropriated \$100,000, or as much thereof as may be required, out of any money in the Treasury not otherwise appropriated, and the Commissioner of Internal Revenue is authorized to appoint and fix the compensation of such officers, clerks, messengers, janitors, and other necessary employees in the enforcement of the provisions of this act for duty in the District of Columbia, or any collection district of the United States, or any of the Territories thereof.

The amendment is the provision now pending before the Senate to which the amendment of the Senator from New Hampshire has been offered.

No compliance with the civil-service law in this. It is a pure matter of party spoils. Appointment of the necessary officials, from officers to janitors, is left solely to the Commissioner of Internal Revenue, who will be strictly a party man.

Under the employees' compensation act a commission is provided, and, of course, additional employees will be necessary. Section 30, as it passed the House and was reported to the Senate, provided:

That the commission shall have such assistants, clerks, and other employees as may be from time to time provided by Congress. They shall be appointed in the same manner as appointments to the competitive classified civil-service positions.

This was changed in the Senate through an amendment offered by Senator Gallinger expressly requiring these appointments to be made from the classified service and under civil-service rules. We are getting a little nearer election time, and our Democratic friends are not quite so bold in their legislative repudiation of the civil service. This provision may be accepted by the House, although if the bill should go to conference the provision will very likely be eliminated.

So hungry have our Democratic friends been that special positions have not been exempt from their attacks. The Commissioner of the Five Civilized Tribes was manipulated so as to make it a politically appointive office, as was the commissioner of immigration at New Orleans. The effort to have the commercial attachés provided for the Department of Commerce in the interest of our foreign commerce selected under the merit system was stoutly and effectively resisted by the Democrats, and these positions were left to political influence. These are a few of the minor instances showing the attitude of the party in power toward the civil-service system to which they so vehemently protest their devotion but which they wholly disregard.

In view of this record, the declaration in the Democratic platform of 1916 that "We reaffirm our declaration for the rigid enforcement of the civil-service law" is a choice bit of satire. They should have added to this declaration "And we point with pride to our record of strict adherence to the civil-service laws and principles as exemplifying the meaning of the declaration which we hereby reaffirm."

Several attempts have been made to further destroy the civil service. One in particular should be noticed. The Post Office Department is the greatest governmental agency in existence. It touches all of the people very intimately. Its efficient and economic administration is of the highest concern. Assistant postmasters had been placed in the classified service in the interest of economy and efficiency. One of the first attempts made by this administration was to take them, together with the

other local post-office employees, out of the civil service and make their positions the prey of partisanship.

August 7, 1914, House bill 17042, "A bill to amend the postal and civil-service laws, and for other purposes," was under consideration in the House. The following amendment was proposed by Mr. CULLOR, of Indiana:

That hereafter any assistant postmaster, clerk, or employee in any post office who may be required by law or by authority or direction of the Postmaster General to give a bond to the United States to secure faithful performance of official duty may be required also to execute a bond to the postmaster whose assistant, clerk, or employee he is, for the faithful performance of his duties as such, in the discretion of the Postmaster General. The postmaster of all such offices shall have the power to select his assistant postmaster, all clerks, and employees irrespective of any civil-service law to the contrary, and all laws, regulations, and orders in conflict with this act are hereby repealed and nullified: *Provided*, That all such appointments shall be for a period of four years.

Under this amendment not only assistant postmasters would be taken out of the civil service but all local post-office clerks and other employees would be excluded from the operation of the civil-service laws and made the prey of party politics. This amendment was adopted in the Committee of the Whole, where no record is made showing how each individual voted, by a vote of 75 yeas to 25 nays. When the amendment came to a record vote and each Representative was compelled to go on record, the amendment was defeated by a vote of 162 yeas to 81 yeas, but it is significant of the attitude of the Democratic Party that every one of the 81 yeas was a Democrat.

Further attempts have been made to exclude assistant postmasters from the operation of the civil service. The Postmaster General recommended the abolishment of the office, and the substitution for it of a superintendent of finance. An attempt was made to carry out this recommendation, and it was in the Post Office appropriation bill as it came over to the Senate a year or two ago. The Senate would not stand for it. It was stricken out of the bill. Although again recommended by the Postmaster General, our Democratic friends have not dared to press the matter further.

I do not know what has been done in an administrative way to nullify and undermine the civil-service system. I have simply pointed out what is disclosed by the record and can not be disputed. When such open and drastic legislative action has been taken, it is safe to conclude that everything possible has been done in an administrative way to put the "faithful" in and the experienced and efficient out.

Explanations will be made and reasons will be given in excuse of what has been done. The people will know, however, that the civil-service pledge has been and is shown to be "molasses to catch flies."

Mr. FLETCHER. Mr. President, I wish to say, with reference to the amendment which the Senator offered to the ship-purchase bill, which he claims would have brought those employees under the civil service, the bill as it came from the other House provided that they should be appointed from the classified service. I do not think the Senator's amendment added very much to that. At any rate, it is in the law, I take it, because the bill was agreed to by the House as it went from the Senate.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). The question is on the amendment of the Senator from New Hampshire [Mr. GALLINGER] to the amendment of the committee. Does the Senator ask for the yeas and nays on the amendment?

Mr. GALLINGER. No; let the vote be taken viva voce.

Mr. SIMMONS. Mr. President, I do not think the section to which the amendment of the Senator from New Hampshire applies at all interferes with the civil-service status of any of the officials mentioned in his amendment.

Mr. GALLINGER. If the Senator from North Carolina will permit me, I think it does, and I want to suggest to the Senator at this point that I have another amendment, which has been printed, to come in on page 135, in lines 20 and 21; but it strikes me that \$100,000 is appropriated in this provision to pay these subordinate officers. I do not know what else it is for.

Mr. SIMMONS. Well, you will have to pay men under the civil service as well as pay men outside of it.

Mr. GALLINGER. Certainly; and that is precisely what I want to do. I want to get the eligible lists made shorter, rather than longer, in the Civil Service Commission. They are now holding examinations all over the country, and a large number of eligibles will come to that commission to be placed on the list. Unless they are to be appointed to these places under the laws which we are passing, it is utterly idle for the Civil Service Commission to put these young men and young women to the trouble and expense of taking the examinations.

Mr. SIMMONS. That is exactly what I have said, Mr. President. My statement to the Senate was to the effect that

there is nothing in this bill which provides that any additional force which may be required to carry out its provisions would be taken from under the civil service. We have a general law, expressly declaring what positions shall be covered under the civil service. The positions mentioned in the bill are all positions that are now under the civil service. The bill simply provides for the appointment of the officials by the Commissioner of Internal Revenue; but those appointments will have to be made according to the present law, and the present law places under the civil service all of the positions mentioned in the bill.

Mr. GALLINGER. I do not agree with my friend from North Carolina. This provision expressly says that the Commissioner of Internal Revenue is authorized to appoint and to fix the compensation.

Mr. SIMMONS. Exactly, Mr. President; but he appoints them under existing law; he appoints them from the civil service.

Mr. GALLINGER. I do not think so at all. If that were so, he would not have to fix the compensation. The law fixes the compensation for clerks in the various classes.

Mr. SIMMONS. No; the law does not always fix the compensation of clerks, messengers, and janitors.

Mr. GALLINGER. Why, there is a statutory law covering all of that; and the Senator from North Carolina must know it.

Mr. SIMMONS. I think not always.

Mr. GALLINGER. If these men are to be appointed from the civil service, what harm would it do to say so?

Mr. SIMMONS. Mr. President, I will say to the Senator that we ought to deal frankly with each other about this matter. In the committee and in the conference the question was considered, and there was no disposition whatsoever, either in the one body or in the other, to take these officials out from under the civil service. In fact, my recollection is—and I will ask the Senator from New Jersey [Mr. HUGHES], who looks especially after these matters, to correct me if I am wrong—that some Senator offered an amendment providing that these officials should not be under the civil service—it was either in the committee or in the caucus—and that proposition was voted down.

It was not our purpose to take these officials out from under the civil service. We did not think this provision of the act did take them out of the civil service. I think it is but fair that I should make this statement to the Senate. I do not myself think there is any doubt about it. It is clear to my mind that the appointment here authorized is an appointment to be made by the commissioner of these people from the eligible list.

Mr. GALLINGER. But it does not say so.

Mr. SIMMONS. That is to say, it does not make any difference whether the particular official is under the civil service or not; the appointment has to be made. If it is not under the civil service he is appointed from the general body of the people. If it is under the civil service he is appointed from an eligible list of three, which is certified by the Civil Service Commission; but in either event it is an appointment, and somebody must be given the power to make that appointment. We gave the Commissioner of Internal Revenue the power to make it; he has the power now to make all appointments in his office, whether they are under the civil service or not under the civil service. He is simply governed by one rule in one case and by a different rule in the other case. Our understanding of this was that we simply gave him authority to make these appointments, and the appointments will be made from the eligible lists as in other cases of appointments of clerks, messengers, janitors, and other necessary employees in the departments.

Mr. GALLINGER. The Senator will not argue that in sundry bills which were passed—and I will state that they were passed before my attention was called to the matter—for instance, the income-tax law, those appointments were to be made from the classified lists of the Civil Service Commission?

Mr. SIMMONS. If the Senator will pardon me, my attention was diverted for a moment.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Colorado?

Mr. SIMMONS. I understand the Senator from Colorado desires to make a statement in reference to the pending matter.

Mr. THOMAS. The Senator from New Jersey [Mr. HUGHES] has informed me of certain action that was taken concerning this identical subject, which I had forgotten. In view of that the committee will accept the amendment to the amendment which is proposed by the Senator from New Hampshire.

Mr. GALLINGER. Very well.

Mr. SIMMONS. Mr. President, I want to say in accepting the amendment to the amendment that it was our view—and it is my view now—that it is not necessary. But if there is any doubt about it, or if Senators think there is any doubt about it, as it is our purpose not to except employees under this bill from the civil service, we will accept the amendment.

Mr. SMOOT. Mr. President, I desire to say to the Senator from North Carolina before he leaves the Chamber that unless that amendment is kept in the bill in conference the employees here authorized can be selected from anywhere in the United States. They must be put under the civil service by the law itself or else the appointing power—in this case the Commissioner of Internal Revenue—can select the men from anywhere outside of the civil service.

Mr. SIMMONS. Then, the Senator contends that if we have a general law providing that a certain force shall be under the civil service and it becomes necessary by virtue of the fact that a bill is passed requiring additional men to be employed we will have to provide that the additional men shall also be appointed from the civil service?

Mr. SMOOT. The trouble is that the law does not provide that hereafter all employees shall be under the civil service. Each branch of the service is put under the civil service by law, and there is no employee who falls under the civil-service law unless the law authorizing the appointment or some future law places him under the civil service.

Mr. SIMMONS. Now, let me ask the Senator another question. If the general law puts messengers under the civil service, and by virtue of legislation it becomes necessary to appoint more messengers, do we have to pass another law putting those additional messengers under the civil service?

Mr. SMOOT. Mr. President, messengers and certain other employees are provided for at a certain rate by statute. Among these are clerks of class 1, clerks of class 2, clerks of class 3, and clerks of class 4, and the salaries paid to the clerks in each one of those classes is fixed by law. So it is with laborers, watchmen, and messengers; but the employees provided for in this bill are merely designated as clerks, messengers, and so forth, for the purpose of carrying out the provisions of this act; and the bill does not require that they shall be taken from the civil-service lists unless we so provide at the time we appropriate for the payment of their services.

Mr. SIMMONS. Mr. President, without continuing the discussion with the Senator, all I care to say about it now is that it was our purpose that these employees should be under the civil service, and we believed that we had put them under the civil service; but if there is any doubt about it, we accept the amendment.

Now, let me say, in addition, that the Senator from Washington [Mr. JONES] stated here this morning that if the shipping bill had gone to conference he had no doubt in the world that the provision in that bill which required employees under it to be taken from the civil service would have been stricken out. Why the Senator should make that statement upon the floor of the Senate, in view of the fact that the amendment putting them under the civil service was accepted by the committee when it was offered here, and was supported by the Democrats, I can not understand.

Mr. JONES. Mr. President, I will state to the Senator why I made the statement. I made it simply because of the previous record of his party in this respect, as I have shown it to be. I have not a doubt that the Senate conferees would have stood for the proposition put in the Senate bill with a reasonable degree of pertinacity; but I expressed it as my opinion that I had no doubt the bill would have come back here with the Senate amendment stricken out and the provision kept in as it passed the House. Of course that is only my opinion, based upon the record made by this Congress with reference to civil-service matters under this administration.

Mr. SIMMONS. Oh, the Senator said that he had absolutely no doubt about it. Now, what reason has the Senator for thinking that the Democrats in the House would have taken a different course or would have felt differently with respect to this matter than the Democrats of the Senate, representing the Democratic Party in this body, took or felt?

Mr. JONES. I take it that the House conferees would have felt disposed to stand by the House provision, because it had been adopted by the House, and I think they would have stood by it all the more pertinaciously because they were in favor of it and because the record shows that that would have very likely been the outcome. Of course the Senator may not agree with me; it is a matter of opinion between us; but I base my opinion upon the record of his party.

Mr. SIMMONS. Upon the same basis of reasoning and by the same parity of reasoning the Senator could say with equal propriety that he had no doubt that every amendment made by the Senate to the House bill would have been stricken out in conference.

Mr. JONES. Oh, no; I can not agree to that suggestion, Mr. President.

Mr. FLETCHER. Mr. President, may I suggest to the Senator at this moment that the shipping bill as it came from the House expressly provided—and even if the conferees had given up the Senate amendment, they would have gone back to the House provision—that “all employees of the board shall be a part of the classified civil service.”

Mr. JONES. Is the Senator from Florida referring to the shipping bill?

Mr. FLETCHER. Yes; that provision was in the shipping bill as it came to the Senate.

Mr. JONES. Yes; it provided that the employees should be appointed without regard to the civil service, but that immediately after they were appointed they should come under it. That is what that provision meant, and that is all it meant.

Mr. FLETCHER. I can not see for the life of me but that the bill expressly covered the contention which Senators on the other side are now making.

Mr. OVERMAN. Mr. President, I think the Senator from Utah [Mr. SMOOT] is altogether wrong in his contention, and, although I am not going to enter into a controversy with him about it, I disagree with him as to one of the statements made by him. When a messenger is appointed the general law fixes his salary and provides that he shall be under the civil service. So it is with janitors and with clerks. If a \$1,200 clerk is appointed, he must be appointed in accordance with civil-service requirements. The only way to get around the civil-service law is to enact a provision that the civil-service law shall not apply in a particular case, as has been done sometimes heretofore. However, I rose more particularly to ask the Senator from New Hampshire—I have not heard his amendment read—whether his amendment would put deputy collectors, who are not under the civil service, in the civil service?

Mr. GALLINGER. It does not touch them at all.

Mr. OVERMAN. Then, that is all right.

Mr. VARDAMAN. Mr. President, I ask that the amendment be again stated. I was a little late in getting into the Chamber and did not hear it.

The PRESIDING OFFICER. The amendment has been accepted by the committee.

Mr. VARDAMAN. I should like to hear it, however.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 83, after line 7, it is proposed to insert:

All appointments of officers, clerks, messengers, janitors, and other necessary employees shall be made from the eligible lists of the Civil Service Commission and in accordance with the provisions of the civil-service law.

Mr. GALLINGER. Mr. President, just a word. I do not desire to get into a controversy over this matter; but, as I have said, I offered a similar amendment to the shipping bill and to the workmen's compensation bill. Looking at the Record, it appears that the conferees agreed to the Senate amendment in the case of the workmen's compensation bill, and that in the case of the shipping bill, that bill not having gone to conference, the amendments of the Senate were agreed to by the other House en bloc.

I notice in connection with these bills—and, of course, different persons draft them—that differing phraseology is employed. For instance, when the shipping bill was under consideration it was argued that the provision in that bill was a civil-service provision. Now, let us see how it read:

All employees of the board shall be a part of the classified civil service.

That is to say, the board would appoint them outside of the civil service, and automatically they would go into the civil service without examination.

Mr. SMITH of Georgia. Would it not be a correct interpretation of that provision that until the employees were put into the civil service they could not be appointed, and would it not mean that they would have to be in it all the time, and therefore have to come from it?

Mr. GALLINGER. They would be put under the civil service in about five minutes after they were employed under that provision.

Mr. SMITH of Georgia. I do not think the shipping board could have appointed a man who was not under the civil service.

Mr. GALLINGER. However, I offered a similar amendment to that bill, which was agreed to, and it is part of the law; and I do not think there is going to be any serious objection to my amendment in this instance.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER] to the amendment proposed by the committee.

The amendment to the amendment was agreed to.

Mr. THOMAS. Mr. President, inasmuch as this discussion has arisen regarding the amendment of the Senator from New Hampshire [Mr. GALLINGER], I want to call attention to the fact that the civil service, so called, is in some respects fulfilling some of the apprehensions expressed regarding the system at the time of and before its adoption. The vast body of employees of the Government now holding their positions under what is called the civil service are an organized body of men and women. I do not know how many they number, but several hundred thousand at the present time.

I recall that at the time the subject was agitated the fear was expressed that permanent tenure of service would create what was then called an aristocracy of officeholders. It certainly has created an organization of officeholders that is becoming sufficiently strong to dictate legislation to the Congress of the United States, and bids fair to be one of those organizations before whose demands we are in times of crisis expected to yield, or, at least, to act with that expedition which is incompatible with mature deliberation.

I am not opposed to the civil service. I have been at one time quite an advocate of the system; but it seems to me that certain conditions affecting this service are becoming somewhat sinister in their manifestations, and that in the near future it might perhaps be well, if not necessary, to enact some further legislation with regard to the subject.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment, as amended, was agreed to.

The next amendment was, on page 83, after line 7, to insert:

SEC. 48. No person employed by the United States shall communicate, or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this title, or allow any such person to inspect or have access to any return furnished under the provisions of this title.

The amendment was agreed to.

The next amendment was, on page 83, after line 13, to insert:

SEC. 49. Whoever violates any of the provisions of this title or the regulations made thereunder, or who fails or refuses to make the return required, or who knowingly makes false statement in any return, or refuses to give such information as may be called for, is guilty of a misdemeanor and upon conviction shall, in addition to paying any tax to which he is liable, be fined not more than \$10,000 or imprisoned not exceeding one year, or both, in the discretion of the court.

The amendment was agreed to.

The next amendment was, on page 83, after line 22, to insert:

SEC. 50. All administrative, special, and general provisions of law, including the laws in relation to the assessment and collection of taxes not specifically repealed, are hereby made to apply to this title so far as applicable and not inconsistent with its provisions.

The amendment was agreed to.

The next amendment was, on page 84, after line 2, to insert:

SEC. 51. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all necessary regulations for carrying out the provisions of this title, and may require any corporations subject to such provisions to furnish him with further information whenever in his judgment the same is necessary to collect the tax provided for herein.

The amendment was agreed to.

Mr. LANE. Mr. President, I understood a reservation was made in one part of this subdivision of the bill by the Senator from Wisconsin [Mr. HUSTING].

The PRESIDING OFFICER. No reservation was made in regard to this subdivision, as the Chair understands.

The reading of the bill was resumed, beginning with line 6, page 106.

The next amendment was, on page 106, line 6, after the words "rate of," to strike out "3" and insert "8," so as to make the clause read:

Manufacturers of cigarettes, including little cigars weighing not more than 3 pounds per thousand shall each pay at the rate of 8 cents for every 10,000 cigarettes, or fraction thereof.

The amendment was agreed to.

The next amendment was, on page 106, after line 21, to insert:

SEC. 58. That section 2804 of the Revised Statutes as amended by section 26 of the act of August 28, 1894, be further amended, and section 3402 of the Revised Statutes be amended to read as follows:

"SEC. 2804. No cigars, cheroots, or cigarettes shall be imported unless the same are packed in boxes of not more than 500 in each box, and all cigars, cheroots, or cigarettes on importation shall be placed in public store or bonded warehouse, and shall not be removed therefrom until the same shall have been inspected and a stamp affixed to each box indicating such inspection: *Provided*, That cigars, cheroots, and

cigarettes imported by mail or parcel post may be inspected and stamped without removing to public store or bonded warehouse. And the Secretary of the Treasury is hereby authorized to provide the requisite stamps and to make all necessary regulations for carrying the above provisions of law into effect.

"SEC. 3402. All cigars, cheroots, or cigarettes imported from foreign countries shall pay, in addition to the import duties imposed thereon, the tax prescribed by law for cigars, cheroots, or cigarettes manufactured in the United States, and shall have the same stamps affixed. The stamps shall be affixed and canceled by the owner or importer of the cigars, cheroots, or cigarettes while they are in the custody of the proper customs officers, and the cigars, cheroots, or cigarettes shall not pass out of the custody of such officers until the stamps have been so affixed and canceled, but shall be put up in boxes containing quantities as prescribed in this chapter for cigars, cheroots, and cigarettes manufactured in the United States. Whenever it is necessary to take any cigars, cheroots, or cigarettes so imported to any place other than the public stores of the United States for the purpose of affixing and canceling such stamps the collector of customs of the port where such cigars, cheroots, or cigarettes are entered shall designate a bonded warehouse to which they shall be taken under the control of such customs officer as such collector may direct. And every officer of customs who permits any such cigars, cheroots, or cigarettes to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of this section relating thereto shall be deemed guilty of a misdemeanor and shall be fined not less than \$1,000 nor more than \$5,000 and imprisoned not less than six months nor more than three years: *Provided*, That cigars, cheroots, or cigarettes brought into the United States by mail or parcel post may be inspected, stamped, and delivered to the owner or importer thereof without removing to public stores or bonded warehouses under such regulations as may be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury and the Postmaster General."

Mr. FLETCHER. Mr. President, I want to strongly object to the adoption of that amendment offered by the committee. It is entirely a new proposition. The objections which I make to it are based mainly upon two grounds:

First, if put into effect, such a law would very seriously detract from and injure the great tobacco industry of this country. It is an industry from which the Treasury of the United States derives revenue in the way of customs duties and internal-revenue tax to the amount of \$110,000,000 annually. It is an important industry in my own State. Shade-grown tobacco is now being developed to an extent where it is an important competitor of Sumatra wrapper. The cigar-manufacturing industry of Tampa is a very important one.

The annual output in manufactured cigars amounts in value to something like twelve and a half million dollars. There are manufactured in Tampa and West Tampa together over 250,000,000 cigars annually. There is paid for internal-revenue stamps at that office an amount exceeding \$900,000 annually. The customs duties paid in Tampa amount to over \$2,000,000 per annum. Key West is another large manufacturing center.

This provision, if it should become law, would have the effect of advancing the interests of manufacturers in Cuba to the great detriment and injury of manufacturers in this country; and there is no need now of facilitating that competition by enabling the Cuban manufacturer to lay on the desks of consumers in this country cigars by the box, 50 or 100, as the case may be. There is a sort of feeling that the Cuban cigar is of superior quality, and Cuba has a well-deserved reputation for producing the finest tobacco grown in the world for the manufacture of cigars. But Cuba also produces poor tobacco, and Cuban manufacturers also manufacture sorry cigars. The consumer in this country, however, basing his choice upon the reputation of Cuba, would be prompted to order his cigars from Cuba instead of from the manufacturer in the United States if he obtained them at something like the same price, and consequently that trade would drift away from our own manufacturers to the Cuban manufacturers.

The injury would be felt also by the middlemen, the clubs, and other agencies of distribution in the United States. It would mean an enormous sacrifice on the part of our own industries for the benefit of foreign manufacturers. That sacrifice is not called for to-day. Cuba was never more prosperous. Both her sugar industry and her tobacco industry are flourishing as perhaps never before in her history. There is no call for any extension of benevolence or philanthropy on our part to Cuba just at this time, and this provision would have the sole effect of advantaging competitors in our own industry, those competitors being in foreign countries. Cuba already has the great advantage of a 20 per cent reduction on tariff duties. That law or convention it may be worth while to look into to see whether or not it should be continued, but it is an advantage to Cuba, and it seems to me we are not at this time called upon to extend additional advantages to our competitors in that country.

The next proposition is that the provision will not raise one dollar of additional revenue. This is a revenue bill. It is not a bill proposing general legislation for promoting the parcel post or extending it or opening the way for parcel-post conventions with other countries. This provision will not add one cent to the revenue if it should become the law of the land, and

therefore it has no place in this bill. As I have said, this is a revenue bill. We are attempting here to raise the revenue which we need and require; but this provision does not raise one dollar of revenue, and therefore I contend that upon that ground it ought not to be adopted.

I understand, Mr. President, that the proposal was submitted to the House committee, and that that committee practically unanimously determined against it. My conviction is that if the Senate should agree to this amendment it would not be held in agreement in conference. I have every reason to believe that the House conferees will stand by their previous determination, and that this provision, even if agreed to in the Senate, would go out in conference. For that reason I am not going to elaborate upon the arguments which might be made against it. I have a firm faith that the House will stand by its position with reference to this proposal, and that this amendment could not be agreed to in conference, even though the Senate should adopt it. Therefore I am not going to take the time of the Senate with further discussion of it, relying upon that faith and that conviction.

I wish, however, Mr. President, to have inserted in the RECORD as part of my remarks some letters and telegrams and communications which I have had upon this subject by way of strengthening the arguments which the conferees of the Senate and of the House will have before them when this matter is considered, should it be agreed to in the Senate. I ask to have this material inserted without reading.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. FLETCHER. I do not for one moment think of consenting to this proposed amendment, and I strongly object to it upon the grounds which are set forth in the communications and telegrams which I submit, and for the reasons which I have briefly outlined.

The matter referred to is as follows:

HON. DUNCAN U. FLETCHER,
United States Senator, Washington, D. C.
TAMPA, FLA., August 24, 1916.

DEAR SIR: We have noticed with interest the amendment to section 58 of the revenue bill, as reported by the Senate committee, tending to facilitate the transportation of cigars by mail or parcel post direct from the Cuban manufacturers to the consumers in the United States, and we feel that this measure, if successful of passage, would be a direct blow at the Clear Havana cigar industry in the United States. With the importation of foreign cigars especially from Porto Rico and other countries which heretofore had no market in this country, it became necessary to revive the Clear Havana cigar industry in this country, and to that end the law authorizing the manufacture of cigars in bond was principally directed. We, as well as the vast majority of the Clear Havana cigar manufacturers of this country have at a great expense complied with the provisions of that law and are now manufacturing cigars in bond, and we feel that the passage of such an amendment would cause serious loss to the cigar industry of this country, besides accomplishing no good to the citizens thereof. We feel that the protection of home industry is paramount to the creating of benefits to foreign countries, and we believe that you will realize this and defeat the proposed amendment.

Assuring you of our appreciation of any efforts that you may make in our behalf, we beg to remain,
Very truly yours,

SAN MARTIN & LEON Co.,
By CARABATH & SUTTON,
Attorneys.

TAMPA, FLA., August 24, 1916.

Senator DUNCAN U. FLETCHER,
Washington, D. C.

DEAR SIR: We wired you last night as per inclosed copy. There is no doubt in our mind but that, if section 58 of the revenue bill, as reported by Senate Finance Committee, is made a law, embodying the amendment that would tend to facilitate direct mail-order business between manufacturers of cigars in Cuba and consumers in the United States, the whole cigar industry of this country would suffer greatly. This would not only affect manufacturers but would be felt by jobbers and dealers alike.

The Clear Havana industry is the backbone of Tampa, and we feel sure you will bend every effort in behalf of the interest of the manufacturers and your people at large.

Yours, truly,

CUESTA, REY & Co.

TAMPA, FLA., August 25, 1916.

Senator D. U. FLETCHER,
Washington, D. C.:

We urgently call your attention to section 58 of revenue bill reported by Senate Finance Committee and wish to emphatically protest the amendment therein that would tend to facilitate direct mail-order business between cigar manufacturers in Cuba and consumers in the United States. We consider such legislation would greatly injure the Havana cigar industry that we, among others, have established in this country, and consequently rely on you now as in the past, using best efforts for our protection and having the injurious clause eliminated.

CORRAL WODISKA Y CA.

TAMPA, FLA., August 25.

Senator DUNCAN U. FLETCHER,
Washington, D. C.:

Please give your attention section 58 revenue bill, as reported by Senate Finance Committee. We protest emphatically against that section which would tend to allow Cuban manufacturers to do a mail-order business in cigars with consumers in the United States. Such legisla-

tion will curtail and severely hurt the great Havana cigar industry established in this city. Please use your efforts for the protection of our manufacturers, which means, of course, our city.

TAMPA BOARD OF TRADE.
JACKSONVILLE, FLA., August 23, 1916.

HON. DUNCAN U. FLETCHER,
Washington, D. C.:

We beg your distinguished consideration and earnest efforts to defeat section 58 of the revenue bill, as reported by the Senate Committee on Finance, which contains an amendment tending to facilitate the transportation of cigars by mail or parcel post direct from the Cuban manufacturer to the consumer in the United States. In our judgment this would be seriously detrimental and demoralizing to home industry. It would eliminate the middleman and create unfair competition against United States manufacturers. As large taxpayers of customs duties and internal revenue, we protest this measure and trust you will steadfastly oppose it.

GONZALES & SANCHEZ CO.

NEW YORK, N. Y., August 16, 1916.

Senator DUNCAN U. FLETCHER,
Washington, D. C.:

Manufacturers of Florida will appreciate your opposition to bill reducing quantity of imported cigars to less than 3,000. If small number of cigars can be imported, it will work great harm to our business.

M. W. BERRIMAN.

TAMPA, FLA., August 23, 1916.

Senator DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.:

We urgently call to your attention section 58 of the revenue bill reported by the Senate Finance Committee, and wish to emphatically protest against the amendment therein that would tend to facilitate direct mail-order business between manufacturers of cigars in Cuba and consumers in the United States. We consider such legislation would greatly injure the Havana cigar industry that we, among others, have established in this country, and consequently rely on you now, as in the past, using your best efforts for our protection and having the injurious clause eliminated.

CUESTA REY & Co.

TAMPA, FLA., August 23, 1916.

Senator D. U. FLETCHER,
United States Senate, Washington, D. C.:

We are deeply concerned in the enactment of section 58 of the revenue bill reported by the Senate Finance Committee. Same permitting of shipment of cigars through the mails direct from the manufacturers in Cuba to the consumer in the United States. Its passage would permanently injure a great industry in this country that we, among others, have established, and we feel that we are entitled to protection and are fully justified in the belief that you will use every effort to defeat this provision.

JOSE ESCALANTE & Co.,
Members of the Clear Havana Cigar Manufacturers Association.

NEW YORK, August 22, 1916.

HON. DUNCAN U. FLETCHER,
United States Senator, United States Senate, Washington, D. C.

DEAR SENATOR FLETCHER:

Pardon me for taking the liberty of addressing you now in regard to a particular provision of the revenue bill now pending in the Senate, which, although perhaps perfectly harmless on its face, may nevertheless have a wide and far-reaching effect upon the cigar industry in this country and particularly the cigar industry in the State of Florida, and may also lead to incalculable injury, not only to the cigar-manufacturing industry, but to the importing and the retail branches of the industry as well.

I refer to section 58 of the bill as reported by the Senate committee, which section contains amendments to sections 2804 and 3402 of the Revised Statutes.

We do not know at whose solicitation or upon whose request this amendment has been inserted in the bill. It appears that the same provisions were embodied in a bill recently introduced in the Senate by Senator RANSDELL, of Louisiana, that said bill was referred to the Committee on Finance, and we now find these new provisions in the revenue bill as reported by the committee under section 58.

By the proposed amendment the existing statute was changed by eliminating the minimum quantity of cigars that may be imported, which is 3,000, so that under the proposed act cigars may be imported in any quantity and by inserting a new provision tending to facilitate the importation of cigars by mail or parcel post, thus opening up the parcel post and post-office channels of distribution for cigar manufacturers in Cuba.

As already stated, we do not know at whose solicitation or upon whose request the Committee on Finance has undertaken to facilitate the opening up of a mail-order business for Cuban cigars. Surely no American cigar manufacturer could have made such suggestion and certainly no importer or retailer of imported cigars could have asked the Government of the United States to place its Post Office Department and its parcel-post machinery at the disposal of cigar manufacturers in a foreign country to the end that American importers and American retailers might be driven out of business.

We respectfully submit that the proposed amendment is indefensible; it can not possibly result in any good to the country, but on the contrary, it may lead to the extermination of American cigar importers, besides that it may work incalculable injury to the thousands of retailers, clubs, drug stores, and hotel stands selling imported cigars.

Moreover, opening up the post office and parcel post avenues for the transportation of Cuban cigars direct from the manufacturer to the consumer and you will at the same time provide unlimited facilities for defrauding the American consumer, for surely there will soon spring into existence in Cuba a great many unscrupulous manufacturers producing cheap grades of cigars and advertising them in this country as the real Cuban article, whereas, as a matter of fact, the consumer would be getting a cheap article such as he can buy in American stores at a nickel or so on, for which he would pay a fancy price because it is a cigar made in Cuba and known as a Cuban cigar.

Such law would be particularly hurtful to the cigar industry in Florida, because the Florida cigars, as you well know, are next in

quality and type to Cuban-made cigars, and such competition on the part of Cuban manufacturers by the mail-order system will undoubtedly hurt the Florida cigar industry to a serious extent.

We appeal to you, therefore, that you oppose the amendment referred to and that you take such steps as you may deem advisable to secure the elimination of that amendment from the revenue bill.

Thanking you in advance and assuring you of our highest appreciation of whatever you may do in the interest of the American cigar industry, we are,

Respectfully, yours,
TOBACCO MERCHANTS' ASSOCIATION OF THE UNITED STATES,
By CHAS. DUSKIND, Secretary.

A PROTEST AGAINST SECTION 58 OF THE OMNIBUS REVENUE BILL, PROVIDING FOR THE INDISCRIMINATE SHIPMENT INTO THE UNITED STATES OF FOREIGN CIGARS, CIGARETTES, AND CHEROOTS BY PARCEL POST.

[Joseph F. Cullman, Jr., New York, president; W. J. Lukaswitz, Dayton, Ohio, vice president; George M. Berger, Cincinnati, Ohio, treasurer; Joseph Mendelsohn, secretary, 196 Water Street, New York.]

THE NATIONAL CIGAR LEAF TOBACCO ASSOCIATION,
New York, August 16, 1916.

Hon. F. M. SIMMONS,
Chairman Senate Finance Committee, Washington, D. C.

SIR: Protesting on behalf of the National Cigar Leaf Tobacco Association against the enactment of the provision of the omnibus revenue bill (sec. 58, p. 106, of the bill as reported to the Senate) permitting the importation of cigars by parcel post in any quantity up to 500, instead of in packages of not less than 3,000, as required by existing law, we desire most earnestly to call your attention to the following considerations:

The existing statute prescribing that cigars, cigarettes, and cheroots shall not be imported into the United States in packages of less than 3,000 each is most salutary and has been a very efficient safeguard to the revenues. The limitation results in the importation of these goods in recognized commercial quantities which are entered at ports where they can be examined by experts in tobacco values, which are the most difficult to ascertain of any that are embraced in the tariff law. Inasmuch as cigars pay a compound duty of \$4.50 per pound and 25 per cent ad valorem, less the reciprocity deduction of 20 per cent in the case of Cuban goods, it follows that, as to the average Cuban cigar, the ad valorem duty is likely to amount to about \$20 per thousand, the exact appraisement depending upon the up-to-date technical knowledge of Habana cigars possessed by the examiner. The importance, therefore, of the examination of imported cigars at the leading ports of entry, where expert examiners are stationed, is clearly apparent and is a consideration of vast consequence to the national revenues, to say nothing of the interest of the domestic manufacturer and his employees in the prevention of undervaluation.

The amendment embodied in section 58 of the revenue bill specifically permits the importation of cigars, cigarettes, and cheroots in any quantity up to 500 and prescribes the manner in which they may be shipped into the United States by parcel post, exempting them from the requirement that they shall be placed in public store or bonded warehouse for inspection and stamping and enabling them to be entered at any one of no less than 24 ports of entry, at very few of which the Treasury Department maintains examiners with any expert knowledge concerning cigars or tobacco. The danger to the revenues of such an innovation can hardly be exaggerated.

The object of this amendment is well known to the entire cigar trade of the United States, being the basis of a movement set on foot more than three years ago in the island of Cuba by the Habana cigar manufacturers to force an entry into the cigar market of the United States through the adoption of mail-order methods. An attempt by the Postmaster General of the United States to negotiate a parcel-post treaty with Cuba was met by the Cuban Government with a demand that the customs laws of the United States regarding the size of packages of cigars, cigarettes, and cheroots admissible to importation should be amended so as to permit the indiscriminate shipment by mail of these products to all parts of the United States. The officials of the Post Office Department, doubtless not being advised as to the effect of such an amendment, recommended it to the Ways and Means Committee and also secured the cooperation of the Treasury Department, the officials of which appear to have yielded to the representations made by the Postmaster General concerning the desirability of negotiating a parcel-post treaty. The committee, however, did not act upon the bill.

It will be noted, therefore, that section 58 is simply and solely a valuable concession to the Cuban cigar manufacturers at the expense of the revenues of the United States and of the welfare of that branch of the American cigar industry engaged in making high-grade cigars from Cuban leaf tobacco, a branch that employs the most highly paid class of labor and affords employment which it is the ambition of every American cigar maker to obtain. This concession is sought by the Cuban manufacturer at a time when he is already enjoying a reduction of 20 per cent in the rates of the United States tariff on cigars pursuant to the reciprocity arrangement of December 17, 1903. Under this reciprocity treaty the people of Cuba have already received, practically as a free gift from the United States Treasury, \$167,046,000 up to July 1, 1916, a huge sum taken out of the Treasury in the name of a one-sided reciprocal trade arrangement that has been of vastly greater value to Cuba than to the United States.

We would especially emphasize the condition of the clear Habana branch of the American cigar industry at the present time. This division of our trade has been subjected to every conceivable disturbing influence during the past 18 years and for an even longer period it has been injuriously influenced by the differential rates of duty on leaf tobacco, which, as construed by the courts, make it impossible for a manufacturer who imports his tobacco to figure in advance what he will pay in duties, and frequently compels him to pay the full wrapper rate of \$1.85 per pound less 20 per cent on whole bales of leaf, which the Government examiners admit contain but 16 or 17 per cent of wrappers, the remainder being fillers doubtless, according to the letter of the statute, at 35 cents per pound less 20 per cent. The agitation for the free admission of Philippine tobacco products also affected the clear Habana trade adversely, and numerous commercial developments have served to stunt its growth. As a result of the combination of detrimental influences affecting this trade the volume of its output has declined during the past few years fully 60 per cent, and we do not hesitate to predict that if section 58 of the omnibus revenue bill is enacted into law the remnant of the clear Habana industry will disappear within a very short time.

We are confident that with the facts herein stated before you, you will feel it to be your duty to eliminate the section referred to from the pending measure.

Very respectfully,

CHAS. FOX,
Chairman Legislative Committee.
W. L. CROUNSE,
Washington Representative National
Cigar Leaf Tobacco Association.

Mr. SWANSON. Mr. President, I fully concur with what the Senator from Florida [Mr. FLETCHER] has so ably and clearly stated. This amendment ought not to stay in the bill. It is simply an effort to create a business in Cuba by parcel post to the detriment of cigar making in this country; and this is not the proper place for this matter to be discussed. As it is a postal matter, it ought to go to the Post Office Committee, anyway.

I hope the committee will consent to let this amendment go out. There is no way of estimating the tax. There is no way of making any classification of the cigars when they come in. There is a liability to fraud, and I do hope the committee will consent to let this go out.

Mr. THOMAS. Mr. President, the only interest I have in this amendment is the duty which has been imposed upon me by the committee to present the subject for the consideration of the Senate. Before doing so I wish to protest against what seems to be the occasional method of discussion in this body with regard to what the House committee of conference may do concerning the amendments of the Senate.

Mr. President, it is our duty to legislate according to the best of our information and judgment for the common benefit of the country, and this without regard to what may be the ultimate decision of a committee of conference between the two Houses. If we are to be deterred in considering legislation, whether important or not, from taking such action as in our judgment should be taken because those who are to compose the House committee of conference have seen fit to express in advance their determination as to what their action as conference committeemen will be, then it were better that we accept House legislation as it comes to us, whether we approve of it or not, upon the assumption that it is the best that we can obtain, and that the exercise of our own judgment with regard to amendments will be without avail.

Mr. President, I think the Members of the House have no more right to express themselves in this way regarding proposed legislation by this body than Members of the Senate have to express themselves with regard to the action of the House of Representatives regarding legislation proposed there.

Mr. FLETCHER. Will the Senator allow me to interrupt him?

Mr. THOMAS. Certainly.

Mr. FLETCHER. The Senator evidently misunderstood my comment. I said that this proposal had been made to the House committee when the bill was being considered there and was rejected by the House committee, and I have a notion that they will continue in that opposition. I have not made a reference to any discussion of the matter since the bill was passed by the House.

Mr. THOMAS. I had not the Senator from Florida in mind so much as I have some other expressions not made upon the floor in regard to the same subject and evidently based upon first-hand information affecting other amendments, not the one which is now under consideration. My remark, therefore, was general and in no sense a reflection upon the expression of the Senator from Florida. The statement which he made, however, emphasized it to my mind to such an extent that I determined to take this occasion to refer to it.

The amendment proposed was asked by the Department of the Treasury and by the Post Office Department. They have for some years been endeavoring to effect this legislation, and they have communicated their desire in correspondence to the committees which, perhaps, express or contain the reasons for the desired legislation as concisely, and certainly as clearly, as I could by any expression of my own. I therefore, with the permission of the Chair, will read the correspondence relating to this subject. I will not read the letters in chronological order because I do not think it necessary for a clear understanding of their substance.

The first letter is dated July 11, 1916, from the Postmaster General to Hon. F. M. SIMMONS, chairman of the Committee on Finance:

JULY 11, 1916.

Hon. F. M. SIMMONS,
Chairman Committee on Finance,
United States Senate.

MY DEAR SENATOR SIMMONS: The Treasury Department and this department have united in recommending the amendment of sections 2804 and 3402 of the Revised Statutes as indicated in my letter of the 21st of September, 1914, addressed to Hon. OSCAR W. UNDERWOOD, then chairman of the Committee on Ways and Means, a copy of which was handed to you on the 5th instant by the superintendent of foreign mails.

I am deeply interested in the proposed legislation, for the reasons set forth in my letter above mentioned, and would be pleased if it could be accomplished by the insertion of appropriate sections in the general revenue bill now pending, early action being desired in order to remove what is believed to be the only obstruction to the conclusion of a parcel-post convention with Cuba, which would be an important factor in the promotion of our foreign trade.

Yours, very truly,

A. S. BURLISON,
Postmaster General.

SEPTEMBER 21, 1914.

Hon. OSCAR W. UNDERWOOD,
Chairman Committee on Ways and Means,
House of Representatives.

MY DEAR MR. UNDERWOOD: In furtherance of previous representations made by the joint letter of the Secretary of the Treasury and the Postmaster General of February 24, 1913, and of my letter of September 11, 1914, I hand you herewith drafts of suggested legislation for the amendment of Revised Statutes, sections 2804 and 3402. Revised Statutes, section 2804, limits the importation of cigars to a quantity of 3,000 in a single package. The provision as it now stands reads as follows:

"SEC. 2804. No cigars shall be imported unless the same are packed in boxes of not more than 500 cigars in each box; and no entry of any imported cigars shall be allowed of less quantity than 3,000 in a single package; and all cigars on importation shall be placed in public-store or bonded warehouse, and shall not be removed therefrom until the same shall have been inspected and a stamp affixed to each box indicating such inspection, and also a serial number, to be recorded in the customhouse. And the Secretary of the Treasury is hereby authorized to provide the requisite stamps and to make all necessary regulations for carrying the above provisions of law into effect."

The effect of the suggested amendment is to eliminate therefrom the limitation of 3,000 cigars in a single package and to do away with the necessity of a serial number of the stamps affixed to imported cigars, etc., being recorded in the customhouse.

Revised Statutes, section 3402, as it now stands reads as follows:

"SEC. 3402. All cigars imported from foreign countries shall pay, in addition to the import duties imposed thereon, the tax prescribed by law for cigars manufactured in the United States, and shall have the same stamps affixed. The stamps shall be affixed and canceled by the owner or importer of the cigars while they are in the custody of the proper customhouse officers, and the cigars shall not pass out of the custody of such officers until the stamps have been so affixed and canceled, but shall be put up in boxes containing quantities as prescribed in this chapter for cigars manufactured in the United States before the stamps are affixed. And the owner or importer of such cigars shall be liable to all the penal provisions of this title prescribed for manufacture of cigars manufactured in the United States. Whenever it is necessary to take any cigars so imported to any place other than the public stores of the United States for the purpose of affixing and cancelling such stamps the collector of customs of the port where such cigars are entered shall designate a bonded warehouse to which they shall be taken, under the control of such customs officer as such collector may direct. And every officer of customs who permits any such cigars to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of this section relating thereto shall be deemed guilty of a misdemeanor and shall be fined not less than \$1,000 nor more than \$5,000, and imprisoned not less than six months nor more than three years."

The effect of the proposed amendment is the addition to the law as it now stands of a proviso which will permit internal-revenue stamps to be affixed by customs officers or post-office officials authorized to deliver packages.

The purpose of this suggested legislation is to remove the restrictive limitations in the law as it now stands which prevent the negotiation of a parcel-post convention with Cuba, because the weight of a package of 3,000 cigars exceeds the weight limit prescribed by parcel-post conventions which are negotiated by this country with foreign countries, and therefore could not be imported into this country under the terms of such convention. For this reason the Cuban administration will not favorably consider further negotiations. With this limitation removed it is believed that there are no further obstacles to the negotiations to such convention, which would open the Cuban market to our merchants to the great advantage of our export trade. The amendment to section 3402 consists in the addition of the proviso which facilitates the delivery of the articles. These amendments have received the approval of the Treasury Department as well as this department, and it is hoped that early action may be obtained.

Yours, very truly,

A. S. BURLISON,
Postmaster General.

The next letter is from the Treasury Department, dated August 18, 1916, to the chairman of the Committee on Finance, and is as follows:

The CHAIRMAN COMMITTEE ON FINANCE,
United States Senate.

AUGUST 18, 1916.

SIR: I have the honor to refer to Senate bill No. 6825, "A bill to amend sections 2804 and 3402 of the Revised Statutes," which was introduced under date of the 10th instant and referred to your committee.

The purport of this bill is to repeal that portion of the said section 2804 which provides that "no entry of any imported cigars shall be allowed of less quantity than 3,000 in a single package," and to make provision for the inspection by customs officers of cigars, cheroots, and cigarettes imported by mail or parcel post, and the affixing of the necessary customs-inspection and internal-revenue stamps thereof without placing them in public store or in a designated bonded warehouse to remain until inspected, weighed, and stamped, as now required, and to amend the said section 3402 so as to make the law applicable to cheroots and cigarettes as well as cigars, with some other slight changes.

The department has previously urged the passage of similar bills heretofore introduced in Congress. As the matter now stands, the importation of cigars by parcel post or otherwise in the mails is absolutely prohibited, as the limit of weight of parcel-post packages is 11 pounds, and 3,000 cigars will in every case weigh more than 11 pounds. Because of this restriction importers of all cigars arriving in the mails are subject to a fine.

For the above reasons I desire again to urge the passage of the bill, as, in the opinion of this department, if this bill becomes a law the

revenue will be as fully protected as is now the case, and importers will not be subject to the annoyance now experienced or the odium which the imposing of a fine casts upon those not familiar with the restriction which the law fixes upon imported cigars, etc.

Respectfully,

WM. P. MALBURN,
Acting Secretary.

It will be seen, Mr. President, that the purpose of this amendment is not to increase revenue, but to remove an obstacle, and what appears to be the only obstacle to the negotiation of a parcel-post convention between the United States and the Republic of Cuba. I know of nothing that will facilitate reciprocal foreign trade to any greater degree than the extension of the mutual conveniences of the parcel-post conveyance between two given nations. To my mind that purpose outweighs, even if they exist, such apprehended consequences of competition as always accompany the enactment of a law that even seemingly enlarges trade.

My information is that the effect of this measure would not be to enlarge the foreign trade in cigars so much as to change the method of their importation to this country. A great many articles are imported to America from countries with which we have parcel-post conventions, and they are received under the provisions of section 644 of the postal regulations at what are known as post-office receiving exchanges. There the duties are collected without any difficulty whatever and the packages are then transmitted to the respective places of destination.

This change would therefore in no sense increase the difficulties or burden the method of collecting the revenue. The only possible effect of it, it seems to me, would be to enable packages in smaller quantities than are now sent to this country to pass through the mails and be received at the exchange post offices. It would therefore tend to reduce what might be called the wholesale business from Cuba by substituting for it a retail business and at the same time open the facilities for trade with the Republic of Cuba to all other branches of industry and of commerce.

Mr. BRYAN. Mr. President—

Mr. THOMAS. I yield to the Senator from Florida.

Mr. BRYAN. I ask the Senator where under this provision the examination is to take place.

Mr. THOMAS. I am told that the examinations are made of all goods which come by parcel post from other countries at the post-office exchanges where there are representatives and officials of the Treasury Department, and whose duty it is to make the examinations.

Mr. BRYAN. The Senator realizes, does he not, that the examination requires experts?

Mr. THOMAS. I certainly do. I do not realize it to the extent the Senator does, because my State is not in a tobacco-producing section.

Mr. BRYAN. My State is very largely interested, and I would dislike very much to see this provision go in the bill, in view of the Senator's acknowledgment that it has nothing whatever to do with the raising of revenue, but is simply placing in the revenue bill a provision to aid in postal conventions. That is all there is to it. It has nothing whatever to do with revenue legislation and has no business in this bill.

Mr. THOMAS. There are a good many things in this bill that do not affect the revenue. Revenue bills in Congress, especially in modern times, are of an omnibus character and embrace many things which at first sight, perhaps, are opposed to each other. I am given to understand—my information may be incorrect, it comes from the Post Office Department—that at all the so-called receiving exchange post offices there are men thoroughly competent as experts to pass upon the quality as well of cigars and tobacco as all other things which are received from other countries with which we have conventions, and I therefore see no difficulty whatever which would arise from the suggestion made by the Senator from Florida.

But, as I said before the Senator came in, I have personally no interest in the subject whatever. I have been designated to present it for the consideration of the Senate and to give the reasons which prompted these two departments in asking for the adoption of the amendment. To my mind their reasons seemed to be conclusive. I believe that this Nation ought to be big enough and broad enough in the attempt to establish facilities for the carrying on of foreign trade to look to the main proposition, which can only be reached as other main propositions by doing a little damage here and there. My impression is, and it is my experience, that in all these cases the apprehended dangers and the actual evils which arise from legislation of this sort are in the proportion of about 99 to 1.

Mr. SMOOT. Mr. President, I think this is a very unwise provision and entirely out of place upon a revenue bill. I have received protests against this provision from every State in the

Union. I am not going to take the time to go into the details of a discussion of this subject, but I do want to call attention to a few of the objections raised by the extensive correspondence I have had in relation to the provision.

First, I wish to call attention to a letter from the Tobacco Merchants' Association of the United States, representing the tobacco merchants of this country, and in reading a portion of this letter I do so simply as a sample of other protests from other parties against this proposed amendment:

By the proposed amendment the existing statute is changed by eliminating the minimum quantity of cigars that may be imported, which is 3,000, so that under the proposed act cigars may be imported in any quantity; and it also contains a new provision tending to facilitate the importation of cigars by mail or parcel post, thus opening up the parcel-post and post-office channels of distribution for cigars manufactured in Cuba.

The customs duties required to be paid on imported Cuban cigars will not afford sufficient protection if the Cuban cigar manufacturer should be able to send a single box of cigars direct to the consumer by mail or parcel post. Such facilities will, no doubt, soon lead to the production of a cheap grade of cigars in Cuba and advertising them in the United States as the real Cuban article delivered direct to the consumer by mail or parcel post, duty paid, at inviting prices, with the result that the consumer would not only be deceived and misled by paying fancy prices for a cheap grade of cigars upon the strength of being "Cuban cigars," but you can readily see the injurious effect that such practice will have upon the American cigar industry, as well as upon the American farmers raising high-grade tobacco to compete with Cuban cigars.

The proposed provision is, indeed, indefensible. There can be no excuse for our Government placing its postal and parcel-post machinery at the disposal of manufacturers in foreign countries to come here and compete with our own industries.

Under this provision, Mr. President, a Cuban dealer in cigars may send to this country a single box of cigars to any purchaser in the United States. It comes to the purchaser through parcel post through the collector of customs at the city or the district to which the cigars are shipped.

Mr. THOMAS. Oh, no; Mr. President, the revenues are collected at the receiving-exchange post offices, of which there are only very few in the United States, and then the packages are forwarded to their place of destination.

Mr. SMOOT. In other words, it would be very much easier for the Cuban manufacturer, if that is the case, than if it had to go to the district and be examined and appraised by the collector of customs.

Mr. THOMAS. It may be easier, but the fact is that all parcels containing dutiable goods coming to this country by parcel post from other nations are sent to what are called receiving exchange post offices.

Mr. SMOOT. I think the Senator is mistaken.

Mr. THOMAS. That is the information which the Post Office authorities give me, and they refer to section 644 of the regulations. There the duty is collected, and then the goods continue on their journey to the destination. I think it ought to be so, because it is much simpler and much cheaper.

Mr. SMOOT. I know goods shipped from England and France by parcel post to parties in Salt Lake City, I will say, and the party to whom the goods are shipped pays the duty, and the valuation of the goods is placed upon them by the collector of the port in charge. I know that that happens very often. But if by this provision Cuban cigars will be shipped to a receiving-exchange post office and a valuation of the cigars made there and duty collected, the purchaser would have to send the amount of duty upon the cigars to the receiving-exchange post office before the package could be forwarded to him under the provisions of this amendment.

Mr. THOMAS. Not under the provisions of the amendment, but under the collection of revenue as is provided by section 644.

Mr. SMOOT. As far as the result is concerned, it would make no difference whether the duty is collected by the surveyor of the port to which the cigars are to be sent or whether it is collected at the receiving-exchange post office at which the cigars are received.

Mr. President, it does seem to me that the American merchants, those who pay the taxes and bear the burden of the Government, who help maintain all the institutions of our country, ought not to be put in competition with foreign manufacturers of cigars who do not have these obligations to meet. I believe it is an injustice and it should not be done.

I hope, Mr. President, the amendment will be disagreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was continued to the end of section 62, page 110.

Mr. SIMMONS. I ask unanimous consent to temporarily lay aside the unfinished business in order that the Senator from Nevada [Mr. NEWLANDS] may submit a report.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that the unfinished business may be temporarily laid aside. Is there objection? The Chair hears none.

Mr. SIMMONS. I will make the suggestion of no quorum. The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Page	Smith, S. C.
Bankhead	Husting	Pheelan	Smoot
Brady	Jones	Pittman	Sterling
Brandeggee	Kenyon	Pomerene	Stone
Bryan	La Follette	Ransdell	Swanson
Chilton	Lane	Reed	Taggart
Clapp	Lea, Tenn.	Robinson	Thomas
Clarke, Ark.	Lee, Md.	Saulsbury	Thompson
Colt	Lewis	Shafroth	Underwood
Cummins	McCumber	Sheppard	Wadsworth
Curtis	McLean	Shields	Walsh
Dillingham	Martin, Va.	Simmons	Warren
Fletcher	Nelson	Smith, Ariz.	Weeks
Gallinger	Newlands	Smith, Ga.	Williams
Gronna	Norris	Smith, Md.	

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. A quorum of the Senate is present.

PROPOSED RAILROAD LEGISLATION.

Mr. NEWLANDS. Mr. President, I report favorably from the Committee on Interstate Commerce the bill (S. 6981) to establish the eight-hour standard workday in interstate transportation, and for other purposes. I ask for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent for the present consideration of the bill which has been reported by him from the Committee on Interstate Commerce. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. NEWLANDS. Mr. President, I suggest now that the Secretary read the bill.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill (S. 6981) to establish the eight-hour standard workday in interstate transportation, and for other purposes, as follows:

Be it enacted, etc., That beginning January 1, 1917, eight hours, in contracts for labor, be deemed a day's work and the measure or standard for the purpose of reckoning the compensation for services of all persons who are now or may hereafter be employed by any common carrier by railroad subject to the provisions of the act of February 4, 1887, entitled "An act to regulate commerce," as amended, and who are now or may hereafter be actually engaged in the operation of trains used for the transportation of persons or property on railroads from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The provisions of this act shall not apply to electric street railways or electric interurban railways.

SEC. 2. That the President shall appoint a commission of three, to be known as the eight-hour day commission, which shall observe the administrative and financial effects of the institution of the eight-hour standard workday as above defined during a period of not less than six nor more than eight months, in the discretion of the commission, and within 30 days thereafter shall report its findings to the President and to Congress.

SEC. 3. That, pending the report of the eight-hour day commission, as above provided, and for a period of 90 days thereafter, the compensation of railway employees subject to this act for a standard eight-hour workday shall not be reduced below the present standard day's wage, and for all services in excess of eight hours such employees shall receive not less than the pro rata proportion of the compensation received for the standard eight-hour workday.

Any carrier violating this provision shall be liable to a penalty of not less than \$100 and not exceeding \$1,000 in respect to each employee whose compensation is affected by such violation, which penalty shall accrue to the United States, and may be recovered in a civil action brought by the United States.

Any person who shall willfully delay, obstruct, or hinder the operation of trains mentioned in section 1 of this act shall be guilty of a misdemeanor and be punished by a fine not exceeding \$5,000 and imprisonment not exceeding one year, or both.

SEC. 4. That the eight hour day commission shall organize and select its own chairman and make all necessary rules for conducting its work. It shall have authority to employ and fix the compensation of such employees, to rent such offices, and to purchase such books, stationery, and other supplies as shall be necessary to carry out the purposes for which the commission was created. It shall, whenever practicable, be supplied with suitable quarters in any Federal building located at its place of meeting or at any place where the commission may adjourn for its deliberations.

The commission is authorized, as a whole or by subcommittee duly appointed, to hold sittings and public hearings anywhere in the United States; and all testimony before the commission shall be on oath or affirmation. Witnesses shall be paid the same witness fees and mileage as witnesses in courts of the United States.

For the purposes of this act the eight hour day commission, or any member thereof, shall have power to administer oaths, sign subpoenas, require the attendance and testimony of witnesses and the

production of such books, papers, contracts, agreements, and documents as may be material to a just determination of the matters under investigation by it; and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as are provided for in the act to regulate commerce approved February 4, 1887, and the amendments thereto.

A majority of the commission shall constitute a quorum for the transaction of business; and if the commission shall be divided in opinion, the findings of the majority upon any point shall be deemed the findings of the commission.

Sec. 5. That the members of the eight hour day commission shall be paid actual traveling and other necessary expenses, and in addition a compensation of \$25 per diem, payable monthly, while actually engaged in the work of the commission and while going to and returning from such work. The sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated, to be immediately available on the requisition of the President, and to continue available until the close of the fiscal year ending June 30, 1917, or until the said commission shall have sooner completed its work, for the payment of the necessary and proper expenses incurred as hereinbefore authorized, including per diem of the commissioners, witness fees and mileage, rent, furniture, office fixtures and supplies, books, salaries of employees, and traveling and other necessary expenses of members or employees of the eight hour day commission, to be approved by the chairman of said commission and audited by the proper accounting officers of the Treasury.

Sec. 6. That the Interstate Commerce Commission shall have the power to fix the hours of labor and prescribe just and reasonable wages for all employees of the railroads named in section 1 of this act. The rate of wages and the hours of labor provided for in this act shall remain fixed for service and pay until changed by the decision of the Interstate Commerce Commission, which, within a period of not less than 6 nor more than 12 months from the passage of this act, shall determine what are just and reasonable wages and what shall be the hours of labor for all employees of the railroads above mentioned.

The Interstate Commerce Commission shall have the power from time to time to change the hours of labor and the rate of wages for all employees of the railroads named in section 1 of this act, either in whole or in part, prescribed by it on its own initiative, on the petition of the employees, the managers of the railroads, or the public.

The PRESIDENT pro tempore. The bill is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. NEWLANDS. Mr. President, the Senate is aware of the emergency which has called for this legislation. It is therefore unnecessary for me to enlarge upon it. The President of the United States, in a recent message, requested the action of Congress upon these subjects: "First, immediate provision for the enlargement and administrative reorganization of the Interstate Commerce Commission along the lines embodied in the bill recently passed by the House of Representatives," and which has been favorably reported in the Senate. I have to say that the Committee on Interstate Commerce became informed that there would be a contention regarding the provisions of the bill—a very earnest and serious contention—as to what the form of reorganization should be and as to what the form of the division into branches or subdivisions might be; that the bill would take a great length of time for discussion; and that therefore it would be impracticable to bring that measure up at this time or to make it the means, as I originally proposed, of putting upon it the amendments which are necessary to meet this exigency. So the committee has concluded at this moment not to press the consideration of the bill for the enlargement and subdivision of the Interstate Commerce Commission.

The second recommendation of the President was "the establishment of an eight-hour day as the legal basis alike of work and of wages." That recommendation we have endeavored to meet in the measure which has been now reported.

The third recommendation of the President was "the authorization of the appointment by the President of a small body of men to observe the actual operation of our legislation regarding the eight-hour day, and to report to the President and to Congress. We have endeavored to comply in the bill reported with this recommendation.

The fourth recommendation of the President was "explicit approval by the Congress of the consideration by the Interstate Commerce Commission of an increase of freight rates to meet such additional expenditures by the railroads" that may be required by reason of the introduction of the eight-hour system. With reference to that the committee has not acted, the committee being of the opinion that the Interstate Commerce Commission has the power to regulate rates and to fix reasonable rates, and that included in that power is the power unquestionably to consider the wages paid by the corporations in connection with other operating expenses, such considerations ranking side by side with other considerations as to capital invested, as to the value of the roads, and other features; and that therefore it was unnecessary to embody this recommendation in the proposed law; that it would be the duty of the Interstate Commerce Commission to take up the new facts in connection with all other considerations that relate to the establishment of reasonable rates.

Fifth, the President recommended an amendment of the existing Federal statute for mediation and arbitration. A measure was prepared and was partially considered by the committee on this subject. That measure provided that where mediation and conciliation failed and where arbitration under the mediation act failed, there should be a governmental inquiry by a governmental commission appointed for the purpose of investigating the conditions of any controversy regarding wages; that that commission should report the facts, and that during the consideration of the subject by the commission the parties should be prevented by law from resorting, by combination and concert of action, either to the lockout or the strike. This was a very important measure, requiring much discussion, and it is apparent that we can not report that measure to-day. Whether or not it will be reported in the future remains for the determination of the committee. Individually I favor strongly this legislation.

Another, and sixth recommendation was—

The lodgment in the hands of the Executive of the power, in case of military necessity, to take control of such portions and such rolling stock of the railways of the country as may be required for military use and to operate them for military purposes, with authority to draft into the military service of the United States such train crews and administrative officials as the circumstances require for their safe and efficient use.

A measure was drawn up upon the lines of this recommendation and was partially considered by the committee, but was laid aside for further consideration. Whether or not whilst this legislation is pending an amendment can be offered upon that subject remains for the committee to determine. It was also suggested in the committee, as my friend from Illinois [Mr. Lewis] reminds me, that that was probably, partially at least, covered in the recent military bill.

Now, Mr. President, in addition to these recommendations, the committee has acted upon other subjects. It has provided in section 3 that—

Any person who shall willfully delay, obstruct, or hinder the operation of trains mentioned in section 1 of this act shall be guilty of a misdemeanor and be punished by a fine not exceeding \$5,000 and imprisonment not exceeding one year, or both.

I believe, Mr. President, that that is a most valuable provision. It is certainly violative of every principle of justice and of law that anyone should be permitted, either by organization or otherwise, to delay, obstruct, or hinder the operation of trains engaged in interstate commerce. With reference to the strikes of the railway organizations, I am aware that their contention is that all they resort to is the power, which they unquestionably have, of giving up their employment. But we all know that there are scenes of great disorder connected with every strike, that on such occasions the disorderly elements of the community, particularly in the large cities, are let loose, and abundant opportunity is offered for violation of the law, not necessarily by members of the brotherhoods, but by criminal and disorderly people, who seize the opportunity for destruction and violation of the public peace in conditions of commotion.

The other subject, which was not treated in the President's message, is this—

Mr. CUMMINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. If the Senator will permit me, I should like to conclude what I have to say.

Mr. CUMMINS. I desire to ask a question with regard to the matter just considered by the Senator, if it will not interrupt him.

Mr. NEWLANDS. If the Senator will permit me to close my statement, I will be through in a few moments, and then will be glad to answer any question he may wish to propound.

Mr. CUMMINS. Very well; I shall not insist.

Mr. NEWLANDS. The other provision to which I refer, not included in the President's message, is the provision—

Sec. 6. That the Interstate Commerce Commission shall have the power to fix the hours of labor and prescribe just and reasonable wages for all employees of the railroads named in section 1 of this act. The rate of wages and the hours of labor provided for in this act shall remain fixed for service and pay until changed by the decision of the Interstate Commerce Commission, which, within a period of not less than 6 nor more than 12 months from the passage of this act, shall determine what are just and reasonable wages and what shall be the hours of labor for all employees of the railroads above mentioned.

The Interstate Commerce Commission shall have the power from time to time to change the hours of labor and the rate of wages for all employees of the railroads named in section 1 of this act, either in whole or in part, prescribed by it on its own initiative, on the petition of the employees, the managers of the railroads, or the public.

With reference to that provision, I have to say that that power can not be exercised by the commission until after the period prescribed by this bill for the operation of the eight-

hour law, and therefore does not interfere at all with that period of some months during which this experiment of action and of observation will be made. After that time it will be the duty of the Interstate Commerce Commission to fix the hours of labor and the rate of wages, either in whole or in part on its own initiative or on the petition of the employees, the managers of the railroads, or the public.

With reference to that, I have to say that to-day the wages are practically fixed by the executive officers of the companies. Of course, outside of that, there is the right of contract between the parties. Your committee was of the opinion that these corporations are quasi public corporations; that they are in the public service; and that it is the right of Congress, and its duty, to see to it that all the humanities are exercised with reference to the regulation of hours of labor and the wages of labor by these great public servants, and that this matter should not be longer the subject, on the one hand, of the greed of railway managers eager for profits, nor, on the other hand, the subject of the mere ipse dixit of organizations of employees, who, in a moment of time, can, by concert of action under present conditions, tie up the entire commerce of the country and inflict upon the innocent untold misery and suffering and distress. Your committee felt that something is required upon this subject; that the future should be guarded, and that now is the time to guard the future instead of waiting for a later time, when a period of apathy and inertia might come; that now, when men are thinking, thinking earnestly, thinking deeply, and their minds are working upon a great social question involving social justice, is the time for action upon so important a question, involving the humanities of our social system.

Now, Mr. President, I shall be very glad to answer any question put to me by the Senator from Iowa.

Mr. CUMMINS. Mr. President, the question I rose to propound is this: Does the section which the Senator from Nevada read, and which relates to penalties for willfully obstructing or hindering the movement of trains, apply simply to physical hindrance or obstruction, or will it be construed to impose the penalty there provided upon an employee who refuses to move the train or the engine which theretofore he had been accustomed to run?

Mr. NEWLANDS. The latter aspect to which the Senator refers did not, according to my recollection, come up for consideration or discussion in the committee.

Mr. CUMMINS. I have no opinion about it, and I am asking purely for information. I did not know but that the Senator from Nevada had considered that phase of the subject.

Mr. NEWLANDS. I know what was in my own mind in reference to this matter, and that was to keep open the arteries of commerce and not to permit anyone willfully to obstruct them.

Mr. CUMMINS. The motive is very good, of course; but the Senator from Nevada will recognize that there are certain rules of law which might prevent imposing those penalties upon an operative who simply refused to work in his employment.

Mr. NEWLANDS. I will say that when I voted for the provision I did not have in contemplation to in any way affect the sacred right of every man to give up any employment in which he may be engaged. I regard any condition that would interfere with that as involuntary servitude, forbidden by the law of humanity and by the organic law of our country. I did not intend, therefore, that it should have any such application.

Mr. CUMMINS. One further question. Does the Senator intend by this bill or does he believe that this bill will, if passed, repeal the 16-hour law now in force in the United States?

Mr. NEWLANDS. Only in so far as it conflicts with it.

Mr. CUMMINS. We now have a statute which prohibits continuous employment or service on trains for more than 16 hours, and I wondered, as I looked over it, whether it was intended by this amendment to repeal that statute.

Mr. NEWLANDS. As I understand, and as has been suggested to me by the Senator from Alabama [Mr. UNDERWOOD], the 16-hour law fixes the hours of labor, whilst this bill practically fixes the rate of wage.

Mr. CUMMINS. I realize that, and I do not express any opinion upon that subject, but this bill fixes the rate of compensation for overtime over eight hours a day; it fixes eight hours as the basis of a day's work; and it seems to me that it is well worthy of thought whether, if we pass this bill, we have not repealed the absolute limitation upon continuous service. These suggestions I have made not from any controversial or hostile spirit, but to get a clear understanding of what the majority of the committee believe the bill will accomplish.

Mr. REED. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Missouri?

Mr. NEWLANDS. Certainly.

Mr. REED. I desire to read lines 10 to 14 of section 3 and then to ask a question with reference to it:

Any person who shall wilfully delay, obstruct, or hinder the operation of trains mentioned in section 1 of this act shall be guilty of a misdemeanor and be punished by a fine not exceeding \$5,000 and imprisonment not exceeding one year, or both.

The question I desire to ask is whether that is not a contribution by the committee outside of anything suggested by the President?

Mr. NEWLANDS. It is. I stated that.

Mr. REED. Now I desire to ask another question. I am referring to section 6, and I want to read it:

That the Interstate Commerce Commission shall have the power to fix the hours of labor and prescribe just and reasonable wages for all employees of the railroads named in section 1 of this act. The rate of wages and the hours of labor provided for in this act shall remain fixed for service and pay until changed by the decision of the Interstate Commerce Commission, which, within a period of not less than 6 nor more than 12 months from the passage of this act, shall determine what are just and reasonable wages and what shall be the hours of labor for all employees of the railroads above mentioned.

That likewise is a contribution by the committee, and was not suggested by the President?

Mr. NEWLANDS. No; it was not a subject of recommendation, and I so declared in my opening statement.

Mr. REED. I want to ask the Senator if he is willing to provide that these 450,000 railway men shall be deprived of the right to make contracts with reference to their own pay, and to provide then that if they shall in any way obstruct a train—which might be construed, I think, to include the mere quitting of the engine, or the quitting of the position of conductor—they shall be fined and sent to jail? I wish the Senator would tell us why that does not establish involuntary servitude in this country; and I wish he would tell us why, when it is necessary to have this bill passed in order to prevent a strike at the present time, such a question as that is injected into it—a question that is bound to arouse antagonism that is country-wide, and bound to arouse antagonism in this body?

Mr. SAULSBURY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Delaware?

Mr. NEWLANDS. Will the Senator permit me just one minute?

Mr. SAULSBURY. Yes; but if the Senator from Nevada will permit me for a moment, I wish to correct a misapprehension, I think, of his former statement, which replies in a measure to that of the Senator from Missouri. The committee did consider, discuss, and confer about the provision found in section 3 from lines 10 to 14; and I distinctly recall that the opinion of the committee was that that was not intended to interfere with any strike; it was not supposed that it could properly be construed to mean anything except physically delaying, obstructing, or hindering the passage of a train which otherwise would pass to its destination on time.

I think the committee would have modified that amendment if it could have been construed in any other way. I also think there has been a misprint in the bill as it is now presented, because I am sure that the penalty was \$500 and not \$5,000, making it much less. I am sure also that it was not intended to apply to the condition stated by the Senator from Missouri, and I do not think it would be so construed.

Mr. REED. The penalty is not merely \$500 or \$5,000; it is a fine of either \$500 or \$5,000, depending upon which way the facts are, and, in addition to that, the language is "and imprisonment not exceeding one year, or both."

Mr. CUMMINS. Mr. President, if the Senator will allow me just a moment, I asked the question in the committee which I have now asked on the floor. It was not very satisfactorily answered, for there seemed to be some difference of opinion among the members of the committee, if I may be permitted to speak of our meeting; and I ask the attention of the Senator from Missouri. The Senator just said that section 6 covered, I think, 450,000 employees. Section 6 covers 1,800,000 employees of railway companies.

Mr. NEWLANDS. Now, Mr. President, I wish to answer, if I may without interruption, the suggestion of the Senator from Missouri.

I will say that if there is anything in this bill that interferes with the liberty of action of any employee of a railroad company in giving up his employment, I should be glad to see it amended so as to relieve it of that feature. I certainly had no such thing in mind when I supported this amendment, which is not my amendment.

Mr. SIMMONS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. If the Senator will permit me, I prefer to answer completely the question of the Senator from Missouri.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. NEWLANDS. In addition to that, the suggestion is made that it is rather unbecoming in the committee to go any further than the President's recommendation. I wish to say that I feel that it is my duty as a legislator, with reference to every matter coming up for legislation before a committee of which I am a member, to urge my views as to what constitutes a remedy for an existing condition; and I felt, so far as I was individually concerned, that I would be in a humiliating position if I should at a serious juncture like the present fail to make some suggestion that would guard the future, and I supported these amendments when they were offered upon the assumption that they were wisely framed for that purpose.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. If the Senator will permit me to reply to the Senator from Missouri, I will yield to him in one moment.

The PRESIDENT pro tempore. The Senator declines to yield at present.

Mr. NEWLANDS. Mr. President, I believe in a government of law and of order, and not in a government of force, where an individual or an organization can apply force to society and demand submission. We have had some realization of what the doctrine of force means in international complications. For years, by conventions between the nations, we have been endeavoring to use something besides force for the settlement of international differences. We have been endeavoring to create international tribunals in which reason, not force, should be employed for the settlement of international differences. The humanities of our time have entirely failed, though the energies of the best minds have been for many years addressed to this great question, and to-day the world is involved in a cataclysm far surpassing anything in its previous history. The basis of it all is that one or more powers failed to submit to reason, and resorted to force.

There never has been a time during this entire period when all the differences between these countries could not have been settled and adjusted more logically by reason than by force. They can be settled to-day by reason much better than they can be settled by the outcome of this war; for after this war is ended, and one of the contending forces is victorious, we will find differences arising between the conquering nations as to their interests which will involve the application of force and not reason to settle them, just as the great Balkan war settled nothing, and left the victors to fight among themselves and surrender the spoils of their victory, each one coming out of that great struggle worse in fortune than when it entered it.

Mr. President, it has been our proud boast that in domestic controversies law and reason controlled and not force, and we have created tribunals for the settlement and adjustment of differences between man and man; but we have never yet created a tribunal which can settle and determine these great differences between employer and employee. We say they must have absolute liberty of action, liberty of employment, liberty to quit, and yet we have found that that "liberty" meant a resort to the doctrine of force, sometimes upon the part of employers and at others upon the part of employees—one of them asserted in the lockout, the other asserted in the strike. Is society, is a great Republic and democracy like this, to confess its impotence to meet this great question to which we have been addressing ourselves with so much zeal and fervor in our international affairs?

How many recommendations have we made during this very contest for the substitution of reason for force in the determination of international contests? Shall we apply our talents and our energies only to the study of that question and confess ourselves impotent before a civil war which is approaching, and which, if carried out to its logical outcome, will embrace as many horrors as the existing European war?

Mr. President, as the chairman of this committee, charged with the duty of reporting a bill upon this important subject, I would have felt myself a coward had I failed to suggest some remedy by which law and order may be maintained, so that reason, justice, and humanity may at last prevail.

Mr. REED. Mr. President, if there ever was a time in recent years when we ought to proceed wisely, without any excitement or with blood in our heads, and endeavor to meet a practical question in a practical way this is that time.

If I understand the situation, the representatives of the railway employees have said, in substance, that if the eight-hour day is legally recognized and a law is passed similar to that which is set forth in the bill down to the penalty clause in section 3, the strike will be declared off. If the strike is declared

off, time will then intervene in which to settle, after ample discussion and deliberation, all the other difficult questions. The strike is now called for the 4th day of September, and unless the strike order is recalled the business of the United States will come to a standstill.

Mr. President, with that situation before us, why should we drag into the question matters of the most serious concern that are not necessary to meet the present emergency—questions that will inevitably provoke contrariety of opinion, bitterness of debate, prolonged discussion, and will defeat the passage of this bill in time to prevent the catastrophe which now is impending?

The Senator from Nevada [Mr. NEWLANDS] states that he would be ashamed as a legislator not to do his full duty. What is his full duty is a question for him to consider; but I can not understand why, in a great crisis when immediate action is necessary, a man should regard it as his duty to transform that crisis into a calamity by introducing other questions which will make the avoidance of the crisis absolutely impossible.

Section 6 of this bill and parts of section 3, taken together, are absolutely revolutionary in the laws of this country. The whole bill is a radical departure from anything we have hitherto had, and we are asked to act upon that part of it which the President especially called to our attention quickly. I believe it is the consensus of opinion that we should do so; and yet under ordinary circumstances we would not act upon those questions which the President did suggest without full and complete debate and thorough consideration. Now, at this crisis, in this time of haste, when the house is burning down before our eyes, the Senator from Nevada wants us to stop and reform all creation and change everything, in the face of that crisis.

Sensors, it is the height of unwisdom to attempt any such program. More than that, when you lay before the railway employees of this country—as the Senator from Iowa [Mr. CUMMINS] has said, the 1,800,000 of them—a proposition which they will construe as taking away from them for all their lives the right of individual contract, you will arouse such feeling, such consternation, such indignation, that instead of stopping this strike you will make it inevitable.

Why should we not proceed along the line the President suggested, namely: First, pass an eight-hour day law; second, accept the statement made by the heads of these railway organizations that if that law is passed the strike will be called off; third, when the strike is called off, when the pending trouble has passed, when we meet here next December, when the investigation has been had which this bill properly provides for, and we know what we are acting upon, when we are made acquainted with the facts that have been developed in the actual trial of the eight-hour experiment—when all these things are before us, when the views of all the parties affected can be heard and digested and debated, at that time and under those circumstances undertake such remedial legislation as may be wise under the circumstances?

I hope that we can promptly get rid of these two troublesome sections and get this bill on its passage. Without desiring to say anything that may seem harsh or offensive, I am astounded at such a crisis and upon such an issue to find these outside questions, these serious questions, unnecessarily thrust into the bill.

Mr. UNDERWOOD. Mr. President, I concur with what the junior Senator from Missouri [Mr. REED] has said in reference to this bill being presented here to meet a most important question, a vital question to all the American people. If it were not for the serious contingencies that the American people are facing to-day that might be brought about by general strike conditions in this country, I take it that every Senator on the floor of this Chamber will admit that this bill would not be before this body at this time—necessarily so.

The Senator says that this is a new departure in legislation, and that it proposes radical legislation. Both conditions are true, whether you leave section 6 in the bill or strike it out.

We are proceeding by law to fix the rates of wages for 400,000 men in the United States without knowledge on our part of the facts. I do not doubt the power of the Congress of the United States, under the interstate-commerce clause of the Constitution, to regulate the instruments of interstate commerce, and in regulating the instruments of interstate commerce to fix rates of wages as well as to fix hours of labor, which we have already done by legislation in the past, when we passed the 16-hour law that is now on the statute books, or to fix the rate at which transportation shall be carried on throughout the country. In my judgment, we undoubtedly have the power.

A decade or more ago it was regarded as radical legislation in this country when Congress established a commission that would fix just and reasonable rates for the transportation of freight. We were told then that it was most drastic legislation

and interfering with the rights of private property. But the American Congress recognized that its supreme duty was not to individuals but to the great mass of the American people, not to the exceptional case, but to prescribe rules and regulations by which the American people may live and thrive and make their living.

The arteries of commerce that are affected by this bill are just as important to the life of the Nation as the veins and arteries in the human system that convey the blood to and from the heart to the extremities of the body. Paralyze those arteries of trade, these lines of transportation, and you decree death to this Nation. You decree that the industries of this country shall be stopped, that men by the million shall be driven from their employment, that women and children shall suffer and starve.

Is not that a more important question than the question that your predecessors faced two generations ago when in the public interest they said the Congress should establish a commission to prescribe just and reasonable rates of freight in this country?

I am in favor to-day of labor having every opportunity to upbuild itself, to secure fair hours of service and fair rates of pay. In a record of over 20 years' service in the Congress of the United States I have uniformly voted for legislation that will upbuild and uplift the labor of this country, because from the labor of the country, whether organized or unorganized, springs in the last analysis the lifeblood of the Nation. The future of our country is dependent upon the upbuilding of the toilers of America.

But when you tell me that my duty to the American people, my duty to my country, my protection of my flag is served by simply consenting without knowledge to a temporary settlement of a problem that will last but six months by the terms of the settlement and lead to nothing, that I have served the great American people by surrendering my legislative power to the dictation of some one else, then I say that if I must legislate and fail to stand for what I conceive to be the interests of my individual constituency and the true interests of the great American public, they can not take my commission away from me too quick for my own satisfaction and the benefit of the constituency I represent.

Senators, the American people have a right to your consideration in disposing of the legislation before this body. Now, what are we confronted with? This demand for an increase of wage of 25 per cent may be right and it may be wrong. Not a man here has investigated the question, not a man here knows the details. There has been no opportunity to learn or consider them. We merely know that the representatives on the part of labor say it is right and that the representatives on the part of the railroads say if they yield it will be destructive to their property. Now, that is the extent of the information we have. And yet we are going to-day to vote by legislative enactment an increase of wage of 25 per cent of the present wage without knowledge on our part of what we are legislating.

I am for the bill, and I propose to vote to make that increase. How can I justify myself in that vote to the constituency I represent? But in one way. The people of the United States are threatened with a debacle that is not equalled by anything that has ever occurred in the history of this country except a great war. Starvation, business paralysis, distress, stare the people of the United States in the face if this condition was allowed to take place. For one I am willing to surrender my individual judgment, admit that I am legislating without knowledge, to bring peace—commercial peace, industrial peace—to the homes of the people of this Nation. If that did accomplish the result that is the better line; but if that did not accomplish the result, rather than bring destruction to the country, I would not for one minute hesitate to use the mailed hand in so far as I am concerned. This is the right, the better way, and I am glad to have the opportunity to embrace it, but our country must stand first.

Now, the President of the United States, occupying his great office with this responsibility, realizing the danger and distress that might come to the American people if this unfortunate condition of a universal strike should arise, properly and courageously stepped into the breach and tried to stop the debacle. He was unsuccessful. It is idle, a waste of time, for us to consider now whose fault it was that the President was not successful. History may determine that question; it is not a matter of importance to the Senate of the United States when the burden has come to us, and we are clearing the way.

But the President of the United States made certain proposals through his Attorney General's office to the Congress to relieve the situation. He proposed that a bill, called an eight-hour bill, but, in fact, a bill fixing the wages on an eight-hour basis,

should be passed. Why? Because the representatives of the great labor organizations of this country had stated to him that if that bill was passed they would call off the strike. That was the terms that they would not strike on, if you pass this bill recognizing eight hours as the basis of wage to be paid for a 10-hour day; nothing more and nothing less.

Now, we are going to pass that bill. We have accepted its conditions. The President of the United States accepts them, but the other side would not accept them. We have reached the point where we, representing the American people in the great legislative bodies of this country, are going to accept the contract. We are going to make it a law of the land that for six months this eight-hour day as a basis of wage shall be tried out in this country.

When the six months are over what then? When the six months are ended what then? If there is nothing more than the eight-hour day, you are where you are to-day. The men have gotten their pay on an eight-hour basis of pay for six months. There is no guaranty in the bill that the railroad management shall continue to pay it at the end of the six months. There is no guaranty in the bill that the men themselves will not strike at the end of six months. You have stopped a strike for six months by paying this additional wage, but at the end of the six months you are where you are to-day.

Is that any settlement of this question for the American people, for the constituency that you and I represent, the constituency that has got a right to demand of us when we pass this legislation, admittedly without consideration, that we will protect their rights and their interest in the future?

The President of the United States realized that in the proposals to Congress. He did not come to the Congress and say, "Pass an eight-hour day and stop," because the President of the United States knew full well that if he stopped there he would have rendered nothing to the people of this country.

Senators, the men who are engaged in this controversy are of the brawn and sinew of the American people. There is no class of labor that stands higher than the men who are involved in this controversy for honesty, integrity, and true citizenship. But they are fighting for themselves, not for the American people, to-day.

I am not criticizing them for demanding what they conceive to be their rights, but we stand as an arbiter between them and the rights of the great American people, who are entitled to these highways to ship their commerce over. In fact, we are compelled to keep these highways open that the Nation may live.

I say the President of the United States recognized that he had not fully performed his duty to the American people by passing an eight-hour day. If so, why did he suggest any other legislation? The President of the United States, through his Attorney General, sent to the Congress besides this eight-hour bill a compulsory arbitration bill, a bill establishing a court of arbitration and carrying a clause in it compelling arbitration until the final decision of the arbitrators. More than that, he sent here a bill authorizing the President of the United States to use the mailed fist to take charge of these railroads under the military power of the United States and run them by the soldiers of the United States Government. He was right. He was right if it is necessary. I am glad we can avoid that necessity. I do not want to go to that necessity, but rather than block the commerce of this Nation, throttle the vitals of the life of the Nation, I would use the military power of this Government to take charge of the railroads and let the people of the United States live.

Now, that is what has been proposed to us through your committee, not an eight-hour day to settle this controversy. It is true if you only want to settle it for one side, if you only want to settle it in the interest of the organized labor of the railroads and leave your problem unsettled for the great American people, then pass the eight-hour-a-day bill. There will be no strike if you pass the eight-hour-a-day bill. No matter what else you put into the legislation, there can not be, because when the Congress of the United States has made this bargain it has got to wait six months first, and why should we say to the American people, "We will accept an eight-hour day, and at the end of six months you have got to face this condition and this contingency again"? Why should we say to the great shipping interests of the country, "We abandon all care and all thought of your rights and your interests in this matter"? If we would bend the suppliant knee because we fear our own future, then we may sail away from Charybdis, but the rocks of Scylla are on the other side.

Mr. STONE. Mr. President—

Mr. UNDERWOOD. I yield to the Senator.

Mr. STONE. The Senator from Alabama being a member of the Interstate Commerce Committee has, of course, aided in the preparation of the bill.

Mr. UNDERWOOD. I did.

Mr. STONE. I never saw the bill, and knew nothing about it until it was brought in here an hour and a half or two hours ago.

Mr. UNDERWOOD. Undoubtedly hastily; and there would be no justification for the hasty preparation and consideration of this bill if it were not for existing circumstances.

Mr. STONE. That is undoubtedly true; but what I rose for was to get some information.

Mr. UNDERWOOD. I shall be glad to furnish it if I can.

Mr. STONE. I am sure the Senator can, for my inquiry is along the line of his remarks, to which I have been listening.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator yield to the Senator from Connecticut?

Mr. BRANDEGEE. I am interested in this matter and would like to hear what the Senator says.

Mr. STONE. I will try to address myself to the Senator so as to be heard, for I think I am not alone in desiring this information. The Senator said, as I understood him, that the bill, if enacted, would only compose the situation for about six months.

Mr. UNDERWOOD. I meant the bill if enacted with section 6 out. With section 6 in, I think it will compose it permanently.

Mr. STONE. Section 1 seems to provide, as I understand the reading, that after January 1 next eight hours shall be made the basic day or standard day for labor on the part of those who are engaged in the actual operation of trains on interstate roads.

Mr. UNDERWOOD. It is my understanding of the bill that 8 hours shall be the standard day; then 10 hours' wages as at present constituted shall be paid for an 8-hour day.

Mr. STONE. Will not that provision, if agreed to by Congress and enacted into law, be permanent?

Mr. UNDERWOOD. No; under the terms of the bill as sent to us by the President it is only temporary, and at the end of six months from the time when the investigation expires the whole question goes back where it is to-day.

Mr. STONE. Would the eight-hour day proposition be remitted to the exact situation we have to-day?

Mr. UNDERWOOD. If the managers of the railroads desired to do so. There is no limitation of law to prevent it.

Mr. STONE. I did not so read the bill in the hasty reading we have had an opportunity to make. I will say to the Senator that reading section 2 and the following section providing for the appointment of a commission and defining its duties it is provided that the present wages shall continue until the commission reports.

Mr. UNDERWOOD. Certainly.

Mr. STONE. That must be within between six and eight months.

Mr. UNDERWOOD. Certainly.

Mr. STONE. That part of it I understand to be temporary—that is to say, until they make their report—but I am rather surprised at what the Senator says, and I am anxious to know exactly what the truth is as to the permanency of the eight-hour-day proposition itself.

Mr. UNDERWOOD. I will say to the Senator there was no dispute about it in the committee, and I do not think anybody disputes it whatever who has carefully read the bill, that the making of an eight-hour day for the measurement of wages under the bill is only to last until the report of the commission is made, which may be at the end of six months, and must be before the end of eight months.

Mr. STONE. Will the Senator refer me to the provisions of the bill upon which he bases that opinion?

Mr. UNDERWOOD. I do not wish to stop in my discussion, but if the Senator will reread the bill, he will see that. I can not put my finger right on it now, but it is unquestionably in the bill.

Mr. REED. Let me suggest to the Senator that it is section 3 to which he refers.

Mr. UNDERWOOD. Of course, I am not referring to section 6. With section 6 I think we have accomplished something.

Mr. STONE. The Senator is referring to it with section 6 out?

Mr. UNDERWOOD. With section 6 out it is only a temporary expedient.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. UNDERWOOD. I do.

Mr. BRANDEGEE. I am not prepared to deny positively what the Senator from Alabama says as to the permanency of the eight-hour day if the bill passes, but I had assumed and I am still of the opinion that the bill makes the eight-hour

standard day a permanent thing. I know of nothing in the bill which would terminate that.

Mr. UNDERWOOD. Let me ask the Senator from Connecticut a question. I think we can settle that very quickly. At the end of six months, or after the commission reports, is there anything in the bill which will prevent the managers and directors of a railroad company from fixing the hours of labor and the rate of wage on their company as they see proper?

Mr. BRANDEGEE. Except the law says the eight-hour day shall be the standard.

Mr. UNDERWOOD. But the eight-hour day does not fix the standard of wage. You can reduce the wage. It is not the standard of labor, mark you. If it had been the standard of labor and said no man should work longer than eight hours, you might put that construction on it, but it is merely the standard of wages.

Mr. BRANDEGEE. I know, and what—

Mr. UNDERWOOD. There is nothing in the bill that at the end of six months would prevent the managers and directors of any railroad in the country from reducing the rate even below the present wages if they saw proper, except probably the finding of the commission, which might so influence them that they would continue the present status.

Mr. BRANDEGEE. The bill certainly reads—and I think it would be well to read the line to show it—as follows:

That beginning January 1, 1917, eight hours, in contracts for labor, be deemed a day's work and the measure or standard for the purpose of reckoning the compensation for services of all persons who are now or may hereafter be employed, etc.

Mr. UNDERWOOD. Yes.

Mr. BRANDEGEE. What is there in the bill that ever terminates eight hours from being the standard for compensation?

Mr. UNDERWOOD. As I said, the eight hours is not the standard for compensation. What is there in the bill to prevent any director from reducing the pay under the standard? Calling it an eight-hour day does not make an eight-hour day. It is merely fixing a standard of wage, and there is nothing in the bill to prevent a president or board of directors from lowering the wage at the end of the six months.

Mr. BRANDEGEE. My remarks were called forth in relation to the inquiry of the Senator from Missouri, who asked as to the permanency of this provision, and the Senator said it was only temporary.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Florida?

Mr. UNDERWOOD. I do not want to stop in my remarks to read the bill, but I will do so. The real clauses of the bill that govern this question are sections 2 and 3. Section 2 provides—

That the President shall appoint a commission of three, to be known as the eight hour day commission, which shall observe the administrative and financial effects of the institution of the eight-hour standard workday as above defined during a period of not less than six nor more than eight months, in the discretion of the commission, and within 30 days thereafter shall report its findings to the President and to Congress.

Sec. 3. That, pending—

Mark the word "pending"—

That pending the report of the eight hour day commission, as above provided, and for a period of 90 days thereafter, the compensation of railway employees subject to this act for a standard eight-hour workday shall not be reduced below the present standard day's wage, and for all services in excess of eight hours such employees shall receive not less than the pro rata proportion of the compensation received for the standard eight-hour workday.

I do not see how it can be clearer than that when it says that this fixing of the wage shall be pending the report of this eight-hour day commission. When I said a moment ago, that this wage would only last six months under the terms of the commission's report, I should have said that it might extend 90 days beyond that; but that does not affect the argument which I make. My argument is, that this bill fixes a temporary time, when the increase of this wage shall expire, and that at the end of that time you will be just exactly where you are to-day, and nowhere else.

Mr. BRADY. And, as I understand the section as the Senator from Alabama reads it, there is no condition that could arise that would extend this time beyond one year—that is, the nine months provided for in the first part of the bill, and then the 90 days after their expiration.

Mr. UNDERWOOD. No; at the end of that time you would be where you are to-day. It could not go beyond that.

Mr. BRADY. It would end then, no matter what the finding of the commission might be.

Mr. UNDERWOOD. It might end in six months or it might end in a year.

Mr. BRADY. But it could not possibly extend longer than one year?

Mr. UNDERWOOD. It could not possibly under any circumstances extend longer than one year before you would be facing the condition which you are facing to-day.

Mr. LANE. I understood the Senator from Alabama to say that there was no Member of this body who understood the problems which are involved in this bill; that he himself did not.

Mr. UNDERWOOD. I say the basic problems. I did not mean the theoretical problems.

Mr. LANE. So far as the basic and the vital questions are concerned. If, according to the Senator's statement and his summing up, it merely defers the matter for six months, would not that six months be valuable time in which Members of the Senate could study the subject and acquire accurate information; and would they not then be better prepared to consider the question than they are to-day?

Mr. UNDERWOOD. Undoubtedly, if we could do so; but we can not.

Mr. LANE. But I understood the Senator to say that the bill would afford that opportunity. I know in the profession of which I am a member, that many members of that profession go for six months to acquire special training in order to fit themselves to do work along certain lines.

Mr. UNDERWOOD. I will come to that point. I have not been able to reach it yet, because I have been interrupted; but I shall come to it, if the Senator will permit me to proceed.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Dakota?

Mr. UNDERWOOD. I do.

Mr. STERLING. With all due deference to the construction put upon this language by the Senator from Alabama, I certainly think he must be wrong in saying that the eight-hour day, as fixed in the bill, is done away with after the report of the commission, or that it only lasts until the report of the commission.

Mr. UNDERWOOD. I said—

Mr. STERLING. Now, if the Senator will excuse me—

Mr. UNDERWOOD. I think the Senator misunderstood me. I said that the fixing of the wage which is guaranteed under this bill is done away with at the expiration of the time of the commission making its report. It does not make any difference whether you call it an eight-hour day or not, because there is no eight-hour day involved. It is only an eight-hour basis for fixing pay; and you can go on saying that you have an eight-hour day, but the fact is there is no eight-hour day in this bill. We might as well face it fairly. I believe in an eight-hour day, but an eight-hour day means that a man shall work eight hours, and work no longer than eight hours. There is nothing of that kind contemplated by this bill.

Mr. STERLING. The day which is provided for in the first lines of the bill is an eight-hour day, and it may be the day for all time, so far as the terms of the bill are concerned. Section 3 simply relates to the wage.

Mr. UNDERWOOD. Certainly; and the only thing in the bill is the wage.

Mr. CUMMINS. Mr. President—

Mr. UNDERWOOD. Just let me answer the Senator from South Dakota, please. If the Senator would go and consult with any of the gentlemen who represent the employees, and who have been contending here in this matter, they would tell him candidly, as they told me, that the question is a question of wage; that they are not contending for an eight-hour day, that a man shall work only eight hours; they do not want that. They work by piecemeal on the engines and in the cars. It is piecework; it is not hour work. They are merely taking this eight hours as a basis for pay, and the pay will expire when this commission reports.

Mr. CUMMINS. Mr. President—

Mr. UNDERWOOD. I yield to the Senator from Iowa.

Mr. CUMMINS. A single illustration will show that the Senator from Alabama is right and that his position can not be well contradicted. Suppose after the lapse of 6 months or of 9 months or of 12 months, whenever the report of the commission comes in, and 90 days thereafter pass, an employee works 12 hours upon a run, under the present system he would be entitled to 2 hours' overtime. We will assume that his present wage is as high as \$5 per day; that his 10 hours and his 2 hours' overtime give him \$5 per day. Under the law that is proposed here his overtime will be four hours, instead of two hours, but the railroad company is at absolute liberty after that time to reduce his compensation to \$5 a day—

Mr. UNDERWOOD. Undoubtedly.

Mr. CUMMINS. And to distribute it over the four hours' overtime, just as it now distributes it over the two hours' overtime.

Mr. UNDERWOOD. Unquestionably; and that is the gravamen of my statement, that at the end of 6 or 12 months, when this commission shall have made their report, you will be just where you are to-day.

Mr. BORAH. Mr. President—

Mr. UNDERWOOD. I yield to the Senator from Idaho.

Mr. BORAH. The practical effect of the bill, then, is to fix the wage for these employees for the term of possibly one year?

Mr. UNDERWOOD. Yes; that is the practical effect of the bill, unless you leave section 6 in it.

Mr. BORAH. Exactly.

Mr. UNDERWOOD. Unless you leave section 6 in the bill there will be nothing in this proposed legislation to settle this great question, in which the American people are interested, for longer than one year at the outside. The President of the United States did not ask you to do that.

Mr. BORAH. Mr. President—

Mr. UNDERWOOD. I yield before going on further.

Mr. BORAH. I want to ask the Senator, before he starts to discuss this matter—I am in doubt as to what extent the men in the employ of the railroads are covered by this bill—how many of the employees are covered by this wage fixing?

Mr. UNDERWOOD. I am in some little doubt myself about the construction of that; but I will tell the Senator from Idaho what my construction is. I think this bill covers all those men who are engaged in the operation of train service—not merely the men who are in the unions, but other men; for instance, the telegraphers, who are not in the union here. They are engaged in the operation of the train service. I do not think the eight-hour provision of the bill, so called, applies to the trackmen or to the men at the railroad stations—the station agents—but I would say myself that such a law would be very unjust if it applied only to the man who sits in the engine or the man who rides in the car, and did not consider the man who works as a switch hand, as a trackman, or a man who is a station agent. I would feel it would be unjust.

The bill, however, is only temporary. The only justification for us passing this bill at this time and in this hasty way, without knowledge and without consideration, is the fact that we are doing it to meet a very grave emergency to the American people. We are not passing this bill in the interests of the trainmen, but we are passing it in the interests of the American people, if we pass it right and properly.

Mr. BORAH. Mr. President, manifestly the bill can not cover those who are engaged in intrastate work. Would it cover the trackmen and switchmen?

Mr. UNDERWOOD. I do not think the bill would; but I will say that I have not given careful consideration to that portion of the bill, because that part of it is temporary. Section 6, if put into life, will cover, without any discrimination, every man who works for a railroad.

Mr. CHILTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from West Virginia?

Mr. UNDERWOOD. I do.

Mr. CHILTON. The Senator from Alabama made a statement of the final effect of section 6 of this bill. Does he understand that section 6 would take the place of the compulsory arbitration law?

Mr. UNDERWOOD. No; it would not, and that is the reason I am in favor of section 6, that it would accomplish the result, but I would ask the Senator to let me finish my statement in reference to section 6, to explain directly what it means and why I think it ought to be in the bill. Then I will answer the question.

Mr. CHILTON. Very well.

Mr. UNDERWOOD. I wish to say to Senators that this eight-hour-day law does not cover the case; it does not cover the request of the President of the United States. He wanted something in this legislation that would control in the interest of the American people, and, if you stop with this eight-hour-day bill, without section 6, you will have a piece of legislation that is merely the purchase price of peace. That is all you will have done. You will have done nothing for the American people, but you will have paid the price of peace. Having that contingency to face, was it not the duty of the committee to put something into the bill to protect the American shipper and the American public?

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. UNDERWOOD. I do.

Mr. BRANDEGEE. Mr. President, if the Government is purchasing its peace for \$60,000,000 a year, does not the Senator from Alabama think it would be honest for the Government to pay it out of its own Treasury instead of reaching into the treasury of some other persons and having them pay it?

Mr. UNDERWOOD. That is a very grave ethical question, but I do not care to now stop to discuss it.

I am going to vote for this bill, because I think it is in the interest of my constituency, and I shall vote for it to stop this calamity; but when I do it, I want to do something toward the permanent settlement of these questions that will be in the interest of the great constituency that I represent and in the interest of the country.

We felt we could not proceed along the lines of the President's suggestions. The President asked for a compulsory arbitration act; but the members of the committee, at least many of them, felt that a compulsory arbitration act, such as had been set before us, was in violation of the Constitution of the United States; that it would probably be construed by the court to involve involuntary servitude and would be declared to be unconstitutional.

Mr. PITTMAN. Mr. President—

Mr. UNDERWOOD. Just let me finish my sentence. More than that, we realize that, if there was one single piece of legislation that the very men who were involved in this controversy—the laboring men—did not want and would be dissatisfied with, it would be compulsory arbitration. Now, I yield to the Senator from Nevada.

Mr. PITTMAN. Mr. President, the Senator from Alabama on several occasions has stated that the President has favored or recommended compulsory arbitration. At what time did he recommend it?

Mr. UNDERWOOD. Well, I am talking about the bills. The Senator from Missouri admitted that all these bills were bills that the President had recommended; the bills that came before our committee were laid before us in compliance with the message of the President of the United States delivered in the House of Representatives several days ago, in which he outlined several lines of bills. One of the Assistant Attorneys General and one of the members of the board of conciliation came before the committee and presented the bills, as representing the executive branch of the Government. I do not know whether the President of the United States indorsed those bills.

Mr. NEWLANDS. Mr. President—

Mr. PITTMAN. Just a moment, please, if the Senator from Alabama will yield to me—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the junior Senator from Nevada?

Mr. UNDERWOOD. I do.

Mr. PITTMAN. I want to read the President's declarations and his recommendations, and then leave the matter to the judgment of Senators as to what they mean.

Mr. UNDERWOOD. I will say to the Senator from Nevada that he is attempting to raise an issue, or have me raise an issue, as to whether the President is in favor of compulsory arbitration. I am talking about the bills sent down here by the President, and, if the Senator will examine them, he will see the cause that produces the result I have indicated.

Mr. PITTMAN. The Senator will not object to my reading a short paragraph from the President's address, will he?

Mr. UNDERWOOD. Not at all; but I am making no issue on that question.

Mr. PITTMAN. I read from the message delivered by the President several days ago at the joint session of the two Houses of Congress, as follows:

Fifth, an amendment of the existing Federal statute which provides for the mediation, conciliation, and arbitration of such controversies as the present by adding to it a provision that in case the methods of accommodation now provided for should fail, a full public investigation of the merits of every such dispute shall be instituted and completed before a strike or lockout may lawfully be attempted.

Mr. UNDERWOOD. I was really quite familiar with the message of the President. I heard it read by the President, and the language the President uses there confirms exactly what I said.

Mr. NEWLANDS. Mr. President—

Mr. PITTMAN. Does the Senator—

Mr. NEWLANDS. Will the Senator from Alabama permit me to make one word of explanation?

Mr. UNDERWOOD. Certainly.

Mr. NEWLANDS. There is a misapprehension regarding that language. I contend that the words "compulsory arbitration" have been very loosely used both in the committee and in the hearings on yesterday as applicable to the President's recom-

mendation. The President did not recommend compulsory arbitration. What he recommended was a governmental investigation of the facts, and during the investigation a stay of the right of lockout and strike until the investigation was concluded.

Mr. PITTMAN. That is the way I understand it.

Mr. NEWLANDS. So that it is public and governmental investigation, not compulsory arbitration, that the President has suggested.

Mr. PITTMAN. That is my view of it.

Mr. NEWLANDS. But the term has been very loosely used, and it is catching. I found that in the committee and in the hearings the expression "compulsory arbitration" was being continually used, although I have no doubt that all understood that the real recommendation of the President was simply for a Government investigation.

Mr. PITTMAN. Understanding it in that way, I objected to the continual use by the Senator from Alabama of the expression "compulsory arbitration," for there is nothing in the President's message from which any inference of that kind can be drawn.

Now, as to the bills that have been submitted by one of the clerks of the Department of Justice, I can not see why the Senator from Alabama should attribute those bills as expressing the ideas of the President on this subject, when, as I understand, they were submitted by the Department of Justice as examples of various characters of legislation that might reach this subject. Certainly, if any of those bills are in conflict with the declarations of the President, made public to both bodies of Congress, then his public declarations must be taken as against the declaration of some clerk in the Department of Justice.

Mr. UNDERWOOD. The President's declarations are taken. I am glad the Senator from Nevada, in my time, should fly to the defense of the President. I am even willing to defend the President of the United States myself, and I have done so on numerous occasions and am attempting to do so now. I said that I stood with the President when he suggested that if it was necessary to use the mailed hand he would use it to stop this debacle. So would I if it were necessary.

Mr. PITTMAN. Mr. President, again I beg to say the President did not say that.

Mr. UNDERWOOD. Of course, he did not use those words, but he said he wanted us to pass a bill that would give him control under the military arm of the Government.

Mr. PITTMAN. For the sole and only purpose of taking food to the military forces of our Government and handling the military situation.

Mr. UNDERWOOD. Of course. The Senator is informing us of something that we have never heard before, although we were all present when the President delivered his message. Surely the President had a reason, and a good reason, for saying why he wished to take over the railroads, and I concur with what the President said.

Now, as to the question of compulsory arbitration. It probably is a loose expression. The President favored in his bill the preventing of men from stopping work by strikes pending a decision by the board of conciliation. His recommendation was that pending the report of the board of conciliation these men should not be allowed to strike. I possibly loosely called that "compulsory arbitration." The Senator is probably correct. It is probably not a proper application of the term. But compulsory arbitration, in my judgment, is unconstitutional. It would be unconstitutional, in my opinion, for us to enact a law providing that these men should be forced to work pending the decision of a board of conciliation. Therefore we did not put such a provision in the bill. That is all there is to it. I think the provision that we put in the bill answers the purpose without going as far as that, and that there can not be any question about it.

Before passing from that proposition my attention is called to the portion of the President's message in which he said:

There is one other thing we should do if we are true champions of arbitration. We should make all arbitral awards judgments by record of a court of law in order that their interpretation and enforcement may lie, not with one of the parties to the arbitration, but with an impartial and authoritative tribunal.

Mr. PITTMAN. But does not that anticipate that there is an agreement to arbitrate first?

Mr. UNDERWOOD. No; it does not.

Mr. PITTMAN. Well, where in the bill is there any provision for an arbitration?

Mr. UNDERWOOD. The Senator evidently has not read the bill that was sent to us. I am not defending the bill that was sent to us.

Mr. PITTMAN. I evidently read it more carefully than the Senator has read the President's message.

Mr. UNDERWOOD. Here is what the President said—and he is right about it:

I was seeking to compose the present in order to safeguard the future, for I wished an atmosphere of peace and friendly cooperation in which to take counsel with the representatives of the Nation with regard to the best means for providing, so far as it might prove possible to provide, against the recurrence of such unhappy situations in the future—the best and most practicable means of securing calm and fair arbitration of all industrial disputes in the days to come. This is assuredly the best way of vindicating a principle, namely, having failed to make certain of its observance in the present, to make certain of its observance in the future.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. UNDERWOOD. I do.

Mr. VARDAMAN. It is understood by the Senator from Alabama and the Committee on Interstate Commerce that the bill which the Senator is now discussing has the approval of the President, is it not?

Mr. UNDERWOOD. The bill that is before the Senate?

Mr. VARDAMAN. Yes, sir.

Mr. UNDERWOOD. Well, as the Senator from Nevada stated to the Senator from Missouri awhile ago, there are two clauses in this bill that, so far as I know, the President had no part in. He may or he may not approve them; but, so far as I know, he had no part in them.

Mr. VARDAMAN. The President, as I understand, is not antagonistic to this bill or this proposed piece of legislation.

Mr. UNDERWOOD. The President, so far as this eight-hour bill is concerned, is in favor of it, but he wanted it supplemented with other legislation.

Mr. VARDAMAN. The purpose of that inquiry was to emphasize the fact that all of this talk about what the President said in his message is wholly irrelevant at this time, except as an issue between Senators. It throws no light on this bill, and for that reason I can not see the necessity for the further discussion of that phase of the question. I was under the impression, however, that the bill was brought here by the committee with the stamp of the President's approval upon it.

Mr. UNDERWOOD. So far as I know, the President approves this bill from top to bottom, but I do not know as an absolute fact whether or not he has seen section 6.

Mr. NEWLANDS. Mr. President, with the permission of the Senator from Alabama, I will say that the President has not seen section 6, nor has he seen the latter part of section 3.

Mr. UNDERWOOD. That is my understanding.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. UNDERWOOD. Yes.

Mr. SIMMONS. Has the Senator from Nevada any reason to believe that the President approves either section 6 or section 3?

Mr. NEWLANDS. I have not. I will state, in that connection, that the President made well-balanced recommendations. One recommendation involved a condition of truce, so that reason could operate. Then he recommended securing the future against similar conditions by wise legislation. One of the measures that he proposed was governmental investigation by a commission appointed by himself, with a stay of the privilege of strike or lockout during that period of investigation; that is, wherever a dispute arose in interstate commerce, the law would attach and compel an investigation of the facts before the privilege of lockout or strike could be resorted to. I favor that legislation myself, and I should like to see it passed to-day. I would like it even better than section 6, but the feeling of the committee was that we could not get it through at present and that it would have to come up for future consideration.

Mr. UNDERWOOD. Now, Mr. President, I should like to proceed with my remarks. I was endeavoring to set forth the bills that have been sent down here by the executive branch of the Government and supposed to carry out the wishes of the President, to give the reasons why we did not put them into operation fully, and why we adopted section 6 in their place.

Mr. President, there is no yielding in section 6 of any right that labor in this country possesses to-day; not one. There is no compulsory arbitration in section 6; there is no force in section 6. The only force in section 6 is the force of public opinion—that a disputed question should be settled by arbitration or by a disinterested judicial tribunal.

It has been asked, "Does the committee desire these men to be denied a fair right to make contracts?" No; the committee does not desire that, and it has not interfered with their right of contract, except when they are having negotiations in reference to strikes. The rates of wages on the railroads are fixed by the presidents and general managers and directors without

consultation with the men. They are fixed arbitrarily and as firmly fixed as law, and when a man wants to make a contract in reference to them he is told how much wage he can get, and he contracts to accept it or reject it, as he sees fit. That is the only sayso he has, except when he has combined with others on an occasion like this in a general demand for a raise. Now, is it taking away a right from these railroad men to say that instead of the presidents and directors of these roads arbitrarily fixing their rate of wage we will turn it over to a disinterested tribunal to fix the rate of wage and the hours of labor?

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. UNDERWOOD. I yield.

Mr. REED. Does the Senator really mean that the men now have no right to bargain with their employers?

Mr. UNDERWOOD. I did not say that.

Mr. REED. I understood the Senator to say that the wages were now arbitrarily fixed by the employers.

Mr. UNDERWOOD. I did, but I did not say the other.

Mr. REED. Is not this the real fact about the matter—that practically every schedule of wages that now exists upon the railroads was fixed as the result of negotiations between the representatives of the men and the representatives of the companies; that they have all been fixed by mutual agreement; that that has been the custom for a number of years?

Mr. UNDERWOOD. That was the statement that I made. I stated that these men's wages were arbitrarily fixed except when, through their unions, they reached an agreement with the roads. I said that, but I will supplement what I said. I will say that that is true of 450,000 of the 1,800,000 men employed by the railroads. About one-third have had a chance to arbitrate and conciliate and make terms of agreement about their wages, and in the case of the other two-thirds their wage has been fixed all the time arbitrarily by the boards of directors and general managers of these railroad companies. Only about one-fourth of the men have had an opportunity to fix their wages, and the other three-fourths have had it arbitrarily fixed.

Mr. REED. Mr. President, will the Senator permit another question, just to throw some light on this matter?

Mr. UNDERWOOD. Certainly.

Mr. REED. It now appears that at least as to the 450,000 trainmen who are the men immediately to be considered, and whose action, together with the action of their employers, has brought on this threatening condition, those 450,000 men have for a long time fixed their wages by mutual agreement between themselves and the railway companies. If section 6 is adopted, does not that terminate that right expressly in these words?—

The rate of wages and the hours of labor provided for in this act shall remain fixed for service and pay until changed by the decision of the Interstate Commerce Commission, which, within a period of not less than 6 nor more than 12 months from the passage of this act, shall determine what are just and reasonable wages and what shall be the hours of labor for all employees of the railroads above mentioned.

The Interstate Commerce Commission shall have the power from time to time to change the hours of labor and the rate of wages for all employees of the railroads named in section 1 of this act, either in whole or in part, prescribed by it on its own initiative or the petition of the employees, the managers of the railroads, or the public.

Does not that section, if it is passed and becomes law, for all time take away the right of the men by mutual agreement to fix their wages and place the wage-making power solely in the Interstate Commerce Commission?

Mr. UNDERWOOD. It takes away nothing that the men now have. It does place the wage-making power in the hands of the Interstate Commerce Commission. Under existing conditions the rate of wage is fixed by the owners of the railroads. They may make—and, as to certain employees, at times have made—concessions about the rate of wage, and under the organized brotherhoods I suppose that most of the wages now in existence have been arrived at by an arrangement of that kind. But who fixed the wage? It was because the owners of the property were willing to pay the wage, and for no other reason.

Mr. REED. And also that the men were willing to accept it.

Mr. UNDERWOOD. Certainly.

Mr. REED. That is the other reason.

Mr. UNDERWOOD. Certainly. Now, there is nothing in this proposition to prevent the men from accepting or rejecting any wage that is offered to them. There is not in the other. The only difference is that this proposition broadens the wage scale so as to apply to 1,800,000 men instead of confining it to 450,000 men.

The President in his message says he desires to maintain the principle of arbitration in the settlement of disputes. The people of the United States have demanded that we should maintain the principle of arbitration in the settlement of wage dis-

putes. This bill provides a permanent board of arbitration. It recognizes for the first time in the legislation of this Government an opportunity for labor to have its day in court and for the courts of this country to recognize the rights of labor; not that they must go on bended knee and beg for their rights; not that they must go with mailed fist and demand their rights; but that there is a tribunal in the land where they can go and present the case for their rights as every other man does in a civilized country about all other questions except labor.

Why, the very basis of civilization grew out of the fact that the law established courts in place of power; that in disputes about property the law opened the courts for the settlement of disputes instead of the use of force. Labor has been denied that right for centuries; and when the opportunity comes when men are willing to recognize that right, has not labor asked to have its disputes settled in courts of arbitration? Is not that a court? Have they asked to be driven to the terrors and the dangers of strikes? Must they be driven to those extremities before they get their rights?

Now, I do not know; it may be that some of the leaders of labor may think that if the court is open as a court of arbitration for the rights of the toiler it may deprive them of some of their privileges and power. I do not believe it. I do not believe that there is any man who represents labor, no matter how high his position, who will not welcome an opportunity to give the men from whom he bears his commission a chance to settle their disputes and obtain their rights in a fair court of justice rather than on the battle field of dispute, the battle field of hunger, the battle field of deprivation, which men are put to when they are forced to go on strike. This section recognizes the rights of labor by law.

But that was not what I rose to discuss in this case. What I contend for is that if you pass this so-called eight-hour bill with nothing else in it, at the end of six months or a year you will be where you are to-day. You will have settled nothing for labor. You will have settled nothing for transportation.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. UNDERWOOD. I do.

Mr. SIMMONS. The Senator has said that before. I understand the Senator's position to be that if this bill is confined to the eight-hour proposition we will get nowhere.

Mr. UNDERWOOD. Without section 6.

Mr. SIMMONS. Without section 6.

Mr. UNDERWOOD. Yes.

Mr. SIMMONS. I understood the Senator in the beginning of his speech to say that the reason why we could not treat this subject now in a broad and comprehensive way was that we did not have sufficient information. If we should pass the eight-hour proposition and create this commission with the powers of investigation that the bill proposes to confer upon it, with the provision that the hours and wage named in the bill should obtain until that commission has completed its investigation and three months afterwards, does not the Senator think that through that instrumentality and agency we would get the information that we now lack, and for the lack of which we are not now in a position to legislate with that fullness of information and knowledge essential to wise legislation?

Mr. UNDERWOOD. I will say to the Senator candidly, that if the Congress of the United States intends to take on its own shoulders, by its own legislation, the question of fixing the hours of toil and the rate of wage, of course we would be enlightened by the finding of this commission, because it would give us information that we have not now. I take it, however, that the Congress of the United States has no idea whatever of itself directly legislating a wage scale except in the present emergency, when it is driven to it. In cases of this kind we always refer work of this class to commissions or other people. We did it when it was necessary to fix rates. Congress itself had the power to fix rates of transportation, but it did not exercise it. It referred the subject to a commission. I take it that whenever Congress gets ready to act permanently on this question, either now or in the future, it will not sit here and say as a legislative body what the rate of daily wage of those men shall be, but it will refer it to the judgment of some other body.

Mr. BORAH. Mr. President—

Mr. UNDERWOOD. If we are going to legislate the rate of wage, I concede that the Senator is correct; but if we are going to establish a tribunal to take this burden off of our hands for the future, there is no better time to settle that question than right now. We know the conditions that exist. We know the difficulties that we have to face. We know that if we do not face them now they will be back here on us in six months or a

year, unless some propitious settlement is made. Therefore, I say, now is the time to settle the matter.

But I have been trying for some time to get down to the real line of argument that I started to make.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, is not this the situation:

We are confronted by an emergency which calls for—or, at least, which the President thinks calls for—some kind of legislative action. In this condition we find ourselves without the information necessary to enable us safely to adopt permanent legislation to meet that situation. In these circumstances, is it not wise to adopt such temporary legislation as will meet the specific emergency and at the same time provide for an inquiry that will afford us, or that we have reasonable ground to believe will afford us, reasonable information and enlightenment to enable us to legislate upon the subject, in all of its aspects, in a more satisfactory way than would be possible now?

Mr. UNDERWOOD. I thought I had answered that.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. UNDERWOOD. I can not answer both at the same time. Let me answer the Senator's question. I thought I had answered the Senator.

Mr. SIMMONS. I feared the Senator did not clearly understand my first statement; that perhaps I did not make myself quite clear.

Mr. UNDERWOOD. Of course I admit that we have not the information on which to legislate and fix rates of wages, which we are going to do and attempting to do. We have full information on the question that we will have to face in the future, as we have in the past, strike situations, unless we are going to put something else in the place of them, and we know what those conditions are.

Mr. SIMMONS. Mr. President—

Mr. UNDERWOOD. The President has recommended a line of procedure to meet future conditions which he asks us to legislate about; but the committee have concluded to adopt section 6 instead of the line of procedure that the President suggested.

Mr. SIMMONS. Now, Mr. President, if the Senator will pardon me, I should like to ask him what to my mind is the practical question in connection with this subject. If we should pass a bill fixing the hours of labor and the pay, and authorizing this commission to make this inquiry, with a provision that these rates should remain in effect until that commission made that inquiry and three months afterwards, does not the Senator believe that would stop the strike on Monday?

Mr. UNDERWOOD. Yes; I think it would stop the strike, but it would not satisfy your constituents and mine. They would hold us responsible.

Mr. SIMMONS. Let me ask the Senator another question.

Mr. UNDERWOOD. That is what I am trying to come to. The questions that are asked prevent my reaching it.

Mr. SIMMONS. Let me put the two questions together, so that the Senator can answer them together.

Mr. UNDERWOOD. I know, but the continual asking of questions will never let me get down to the real reason why I want this provision put in.

Mr. SIMMONS. I want the Senator to have them both together, and then he can answer them together.

Mr. THOMAS. There are others waiting for the Senator.

Mr. SIMMONS. I want to ask the Senator this further question: Does the Senator believe that if we were to pass the bill as it came from the committee with section 6 in it—a section which takes away from the laborers on these interstate roads—

Mr. UNDERWOOD. No; it takes nothing away from them. It takes something away from capital.

Mr. SIMMONS. I will withdraw that, then. If we should pass this bill with section 6 in it, authorizing the Interstate Commerce Commission to fix the hours of labor and the rates of wage, does the Senator believe that we would stand any chance of ending this strike on Monday?

Mr. UNDERWOOD. I certainly do. There would be no question about it. The strike is ended to-day, as the Senator knows.

Mr. SIMMONS. It is my judgment that by one course we will avert the strike, while by the other I doubt whether we would avert it.

Mr. UNDERWOOD. Oh, well, that is a mere matter of opinion. If the Senator thinks that by passing this eight-hour law to-day we would stop the strike, then if we pass section 6 to-morrow or the next week or three months from now would it not bring on a strike, if that is the case? What has section 6 to

do with the controversy involved in this strike? Why should these men strike after they get their rate of wage until the six months' period is out? They have a right to strike at the end of that six months' period anyhow.

Mr. BORAH. Mr. President—

Mr. UNDERWOOD. I yield to the Senator, although I am anxious to conclude my remarks.

Mr. SIMMONS. The point I make, if the Senator will pardon me, is that the bill with section 6 in it would be so unsatisfactory to the labor people that I fear it might not prevent the strike.

Mr. UNDERWOOD. Mr. President, the men who represent the organized brotherhoods of labor on the railroads are men of intelligence. They are men of high character. They are men of standing. They are men of force of character. To say that those men would go out here and declare a strike against the Government of the United States enacting laws, it seems to me, is an absurd proposition. They might protest against our enacting a law. They might seek to hold you and me responsible for enacting a law; but to say that they would go out and declare a strike, with the accompanying burdens on the American people, because the Congress of the United States enacted some law that did not meet with their approval is an indictment of their intelligence and their integrity.

Mr. President, I did not intend to occupy all this time. I am glad to yield to my brother Senators, but I am anxious to conclude my argument, and I have not yet had an opportunity to state why I believe section 6 ought to be incorporated in this bill.

It is not only the men who are interested in this question of wage; it is the public. The question of railway pay is of vital interest to the man who earns his daily bread as a trainman on these roads. It is of some interest to the stockholder, because it may affect his dividends; but it is a vital question to the industrial life of this Nation. There are a million men in this country directly involved. There are 99,000,000 people who are interested in the great question of uninterrupted transportation of their freight and uninterrupted conduct of their business. These men have a right to a day in court. They have a right to a higher wage if they make out a proper case; but the American people have a right to try to prevent a strike and congested railroad conditions if possible. More than that, the great shipping public is also interested in this wage scale, because if it is put too high it is an unjust burden on their transportation; if it is put too low, it is an injustice to the men who earn their wage in the railroad systems. Do we want to continue the system of arbitrarily submitting this matter to the decision of the two interested parties, with 100,000,000 of American people who have the most at stake entirely left out?

Mr. HUGHES. Mr. President, while I was necessarily absent from the Chamber the Senator may have touched upon what I regard as the absolutely vital point in this section. If he has, then I apologize to him, and I will not insist that he answer my question. But if he has not, then I should like to have him state to me how he expects, under the Constitution and under the laws and under what we all regard as right and proper, that we can attempt to legislate so that any body—the Interstate Commerce Commission or any other body—shall have the right to prescribe wages? If they have a right to prescribe wages, of course, they necessarily have a right to say that men must work for those wages.

Mr. UNDERWOOD. Oh, no. The second conclusion is all wrong. My friend's first conclusion is right. We are in this bill, for six months or possibly a year, prescribing a wage—not a wage that exists to-day, but a wage that must be paid; no more, no less. The very terms of the eight-hour bill prescribe the rate of wage on these railroads for the next six months or possibly a year.

Mr. HUGHES. What is the Senator's proposition if the men involved refuse to accept that wage?

Mr. UNDERWOOD. Why, if the men involved refuse to accept this wage, they walk out and quit. There is no compulsion here.

Mr. HUGHES. Then why should we not say "recommend" rather than "prescribe"? The Senator is using the language that has been used with reference to a rate which we have a right to enforce.

Mr. UNDERWOOD. Oh, well, I think my friend from New Jersey, for whom I have the greatest respect and the greatest consideration, is backing off from this question because it is new.

Mr. HUGHES. No; the language is not new. The language is old, and it is used with reference to something we have a right to enforce.

Mr. UNDERWOOD. I know; but I do not care whether you say "make the wage," "prescribe the wage," or "fix the wage." I am not wedded to any particular language in this matter.

Mr. HUGHES. Then we do not differ.

Mr. UNDERWOOD. I am not catching in the bark. I want to bring about a result. The facts do not differ. We prescribe the wage of our employees that we see around here. What rights have they? That page gets his wage fixed by law. If he does not want the job he can quit it, but if he wants to keep the job he must accept the wage that is fixed unless he comes to us and has us refix the amount of the wage. We fix the amount of wage or prescribe the amount of wage for thousands of men in this country, employees of the Federal Government. In fact, the law prescribes our own wages. As it is to-day, the wages on these railroads may be determined by mutual consent of the brotherhoods and the railroad management in some cases, not in reference to all the employees; but whether that is the case or not, the railroad directors and the railroad presidents in the last analysis are prescribing or fixing the wage to-day, and the individual who wants to sit on an engine and run it must accept or reject that wage. That is all he has to do. He can not change it.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. UNDERWOOD. I yield.

Mr. BORAH. I have been interested during the very interesting discussion of the Senator to know if this is the beginning of wage fixing either by Congress or through a commission for the employees of railroad companies?

Mr. UNDERWOOD. Well, I do not think this will be the beginning. It will be the end of it, because if section 6 goes in it gives full authority to the Interstate Commerce Commission to fix the rate of wage for every employee of the railroad from the president down to the trackmen.

Mr. BORAH. Exactly; that is precisely what I asked. The commission which is appointed under the bill to serve for a term of six months to gather material, and so forth, I presume is gathering it for some purpose, and the purpose is, I presume, to either have Congress fix the wage or to have some commission fix the wage. So the bill seems to contemplate the proposition that we are entering upon the question of fixing wages for the employees of railroad companies either through an act of Congress, as we are doing to-day, or proposing to do it through some commission such as the Senator from Alabama suggests.

Mr. UNDERWOOD. Undoubtedly. The so-called eight-hour-day wage provision carries us right up to the door, it leads us to the very point, and unless we are going to throw it aside at the end of six months and say we have spent the money for nothing, we at the end of six months will march right up to the door under our own legislation and say we will make this wage permanent and fix it permanently in one way or another or give authority to somebody else to do it. We can not assure the American people any further who is to fix that wage.

Mr. BORAH. And who is going to enforce it?

Mr. UNDERWOOD. And who is going to enforce it. There is nothing compulsory in the bill.

Mr. STONE. I should like to ask the Senator who would enforce it.

Mr. UNDERWOOD. As far as the bill stands to-day, there is no power under the Government of the United States to enforce it except the power of public sentiment, and I think that is all that is necessary. Rather than have a great strike and involve this whole country in a calamity I would go a long way to prevent it, but I do not believe in marching around the country with a big stick. I do not believe in the mailed fist. I believe in giving the utmost liberty and freedom of action to free men and to persuade them in the interest of their fellow men to act in the interest of their fellow men rather than to compel them.

There is a very persuasive proposition in this bill. If we pass the bill as it is, and the men engaged in railroad work are not satisfied they can strike or they can petition the Interstate Commerce Commission for a higher rate of wage. Which position would they be justified in, in the light of public opinion? When they had a court in which they could file their petition for a higher wage and a fair trial, would public opinion justify them to strike or would public opinion say, "First go to that court of arbitration, that disinterested court, established by the Government, and see if they will not raise the wage." Do you suppose the men who toll on the railroads would justify any of their leaders in carrying them into a strike until they had made the effort to secure their rights by peaceful means?

Mr. HUGHES. Mr. President—

Mr. UNDERWOOD. In just one minute. Do you suppose the public would justify for a minute the carrying on of a strike until they had exhausted their rights by peaceful means? If they carried their appeal into the commission, and the commission heard both sides of the case and found the verdict as to what was fair and just, I believe that would be a final settlement of the case. If in the end it does not turn out, in the light of public opinion, after establishing a fair tribunal for these men, that we can settle this question in that way, then it is time enough for Congress to determine whether it is necessary to put other legislation on the statute books to insure the uninterrupted passage of the commerce of the country. I yield to the Senator from New Jersey.

Mr. HUGHES. I will ask the Senator if he has any objection to the substitution of the word "recommend" for the word "prescribe," in line 19 of section 6, and then to change the paragraph to accord with that amendment?

Mr. UNDERWOOD. To whom does the Senator propose the Interstate Commerce Commission shall make recommendation?

Mr. HUGHES. To Congress or the President. The Senator can have his own way about that.

Mr. UNDERWOOD. This is a new question. We are wading out into a new field. I think this legislation is absolutely necessary for the industrial peace of the Nation. I have no desire to go too far or too fast. Of course, the Senator from Nevada is in charge of the bill, and, although I prepared section 6, and I am perfectly willing to take the full responsibility for preparing it, I must yield, of course, to the desire and wish of the chairman of the committee; but I will say to my friend from New Jersey that before the passage of the bill he can move an amendment to meet a view that seems to him to be more reasonable and in judgment is less drastic, and, as far as I am individually concerned, I am willing to consent to it, because I merely want to march to a determination of this question by a great tribunal of arbitration instead of letting it rest where it is to-day, in the courts.

Mr. HUGHES. I will say to the Senator that I am heartily in sympathy with what he has just said, and a day or two ago while we were discussing this matter in a tentative sort of a way I made the suggestion that it would be perfectly in accord with my notion of what is right and proper to have the Interstate Commerce Commission suggest or recommend hours of labor or suggest or recommend rates of wages. I do not know any body of men—

Mr. UNDERWOOD. I suggest to my friend from New Jersey that the bill will be here an hour or more before it is passed and that when I finish these cursory remarks I would be glad to consult with him and see if we can agree on an amendment, with the consent of the Senator from Nevada, who has charge of the bill.

Mr. HUGHES. That is agreeable to me.

Mr. UNDERWOOD. Mr. President, if I can proceed without interruption just a few minutes, I will close. I say we owe it to the shippers of the country, to the American people, not to leave this legislation in doubt. You can pass this so-called eight-hour-day compromise and say we are coming back here next winter and pass affirmative legislation. You may do it and you may not.

The American people understand this legislative situation just as well as you and I do. We know that this bill is before us for consideration, and we can fix the terms of the future now, if we have a majority in Congress to do it. But we know that if we let it go by without fixing the terms for the future, we may or may not do it when next winter comes. We know that it has then to go through the doubtful passage of committee action, the doubtful question of being reached on the calendar, the doubtful passage of consideration. We all know that it is easier to kill a bill by 95 per cent than the 5 per cent in favor of its passage. I say that when you take the responsibility of making this concession to the men in the brotherhoods to stop this strike, they will get all the advantage of it when the commission comes to fix the wage, because it will be the adopted wage.

If we pass this law and send it to the commission at this time, when the time comes for them to take up the eight-hour day of fixing the wage it will be the adopted eight-hour. It will be the one recognized at that time. It will have all the technical advantage of that situation, whereas, if you do not put that in here, let the 6 or 12 months of the investigation run by, and they are back to the same old fighting ground with the general managers of the railroads on one side of the line and they on the other struggling for what they call their rights.

I say the best security we can give to these railroad men for their rights is to give them a day in an honest court, for they

have their power in the courts as well as they have in this Congress. They are a powerful body of intelligent men; they will have their full right there as well as they have had it here. We have progressed to the point now where it is a question of here or there.

But if you pass this legislation increasing arbitrarily the rate without any consideration for the future, abandoning entirely the question of labor disputes, then the great shipping public are going to say to you, where were we represented in this legislation? What opportunity have we had for our rights in considering these questions? But, on the other hand, if we send it to the Interstate Commerce Commission and the same board will fix the rate of wages that fixes the rate for freight they can balance the equation, they can do justice to the men, fairness to the people of the United States, and once for all you will have removed this trouble from the railroad transportation companies of the land, peace and justice and fair play will come to remain with you and stay through the life of the Nation.

Mr. BRADY. I desire to ask the Senator a question relative to the latter part of section 6, on page 6, where it refers to the hours of labor. Commencing at line 4, on page 6, it reads:

The Interstate Commerce Commission shall have the power from time to time to change the hours of labor and the rate of wages for all employees of the railroads named in section 1 of this act, either in whole or in part, prescribed by it on its own initiative, on the petition of the employees, the managers of the railroads, or the public.

That is the last paragraph of section 6. The title of the bill reads, "A bill to establish the eight-hour standard work-day for interstate transportation, and for other purposes."

Then, commencing in line 3, section 1 reads:

That beginning January 1, 1917, eight hours, in contracts for labor, be deemed a day's work and the measure or standard for the purpose of reckoning the compensation for services of all persons who are now or may hereafter be employed by any common carrier by railroad subject to the provisions of the act of February 4, 1887, entitled "An act to regulate commerce."

The balance of the section simply refers to what territory is covered. I am interested to know how the committee, or rather the Senators in charge of the bill, construe the words in line 5 of section 6 relative to the hours of labor. There is a positive enactment in the first section of the bill of an eight-hour day as the standard to be used in the contract. As I understand the language of section 6, it means that the passage of this bill transfers to the Interstate Commerce Commission the power to change the hours of labor. Is it the understanding of the committee that the bill provides that the Interstate Commerce Commission can do away with the 8-hour day and put it back to a 10-hour day?

Mr. UNDERWOOD. I will say to the Senator I stated a while ago. I do not know whether he was in the Chamber at the time, that the bill does not fix an eight-hour day. If it did, it would be in effect the legislation already on the statute books in reference to a day's wages. It does not fix an eight-hour day, but it fixes eight hours as a measure of compensation. Undoubtedly when this commission makes its report, the provision in reference to wage is gone. It does not need to be changed. It has gone off the statute books; it no longer exists. The officers and managers of the railroads can change the rate of wages to suit themselves. If we adopt section 6, at the end of that time the commission would have, within the reasonable power that they must stay within the law and within the act, the right to fix the wage up or down.

Mr. BRADY. The Senator does not understand that the Interstate Commerce Commission would have a legal right to change the eight-hour day as the basis for figuring a day's labor.

Mr. UNDERWOOD. They might not have the right to change the basis of eight hours, but they would have the right to fix not eight hours as the basis of wages.

The commission would have the right to fix something that is not in the statute and never has been fixed. They would have the right to fix a permanent eight-hour day practically or a permanent ten-hour day or a permanent five-hour day, if it was practicable; I doubt its practicability, because they are piece-workers. But as to the question of changing the rate of wage, the rate of wage is gone when the commission reports under this bill; it is no longer fixed by law; and then the commission would have the right to fix the wage as they saw fit just as the directors of a railroad would have a right to fix it as they saw fit when the commission makes its report and the limitation of the bill is passed.

Mr. BRADY. Personally I favor an eight-hour day, as I understand the Senator from Alabama does, under proper conditions.

Mr. UNDERWOOD. I have always voted for an eight-hour day.

Mr. BRADY. All the men and women in this country who work with their hands have been struggling for an eight-hour day. Unorganized labor has been hoping that the hours of labor may be reduced. Organized labor has been contesting for 30 years for an eight-hour day. Now they seem to have reached the goal, and we are enacting into law what they have been working for during all these years. I am in favor of giving an eight-hour day under proper rules and regulations; but I am not in favor of enacting a bill that on its passage will transfer from Congress the right to change the hours of labor, transferring that power from the United States Senate, a body composed of 96 men, to a body of 7 men composing a commission, in which the laboring men of the United States have at times shown a lack of confidence.

Section 1 of the bill reads:

Eight hours shall be deemed a day's work and the measure or standard for the purpose of reckoning the compensation for services of all persons who are now or may hereafter be employed by any common carrier by railroad.

And then section 6 we give to the Interstate Commerce Commission the power to change from time to time the hours of labor and put the standard of time for a day's work back to where it was before this law was enacted, or make the hours of toil longer if they are disposed to do so.

I do not believe we should enact legislation that would permit the hours of labor to be fixed or changed by any board or commission. If we pass a law providing for an eight-hour day it should not be changed or amended except by act of Congress.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BRADY. I yield to the Senator from Iowa.

Mr. CUMMINS. It is possible that the Senator from Alabama [Mr. UNDERWOOD] did not fully understand the question put by the Senator from Idaho [Mr. BRADY]; at least, it did not seem to me that he answered it from the point of view, at any rate, that I hold. The Senator from Idaho will notice that in the first line of the proposed measure it is provided that after the 1st of January, "eight hours, in contracts for labor," shall "be deemed a day's work and the measure or standard for the purpose of reckoning the compensation for services of all persons."

It is plain that this part of the bill contemplates a contract between the employee and the employer; and it is declared that in that contract of labor, specifying the hours of labor, eight hours shall be adopted as the basis for compensation; but when the Interstate Commerce Commission takes possession of the subject, if it ever does, and prescribes the hours of labor and the wages, there will be no contract between the employer and the employee, so far as either wages or hours of labor are concerned; and the Senator from Idaho is quite right. The effect of section 6, if it has any, will be to repeal section 1 in that regard, for it substitutes the imperative judgment of the Government with regard to hours of labor and wages for the contracts for labor between the employer and the employee.

Mr. BRADY. The Senator from Iowa has given a great deal of study to this subject, and I want to ask him the direct question, Whether or not, in his judgment, the insertion in line 5 of page 6 of the words "the hours of labor" does not give the Interstate Commerce Commission the power to put the length of the day back to 10 hours? I believe in the old adage, eight hours for work, eight hours for sleep, and eight hours for rest and recreation. If we pass a law naming eight hours as a day's labor, I do not want that law to be changed by any board or commission, and I believe this section does give that power to the Interstate Commerce Commission, and I would like to have the Senator from Iowa express his opinion relative to this matter.

Mr. CUMMINS. Assuming that the section is adopted and that it is constitutional—and I have not the least idea that it will be adopted, and I have grave doubts about its constitutionality—it does entirely repeal section 1.

Mr. BRADY. That is my belief. For that reason, Mr. President, I desire at this time to offer an amendment, which reads as follows:

On page 6, in line 5, after the word "the," strike out the words "hours of labor and."

And I ask that it be printed and lie on the table.

Mr. NEWLANDS. Mr. President, I wish to announce that, whilst I greatly regret to put any Senators to inconvenience, it will be necessary to press the bill to a vote as rapidly as possible, and that I shall urge upon the Senate a continuous session.

Mr. GALLINGER. An evening session?

Mr. NEWLANDS. Yes.

Mr. CUMMINS. May I make an inquiry, in order to clear the atmosphere a little? We all understand that the other House is now voting upon a bill upon this subject; possibly the vote has been concluded, but I do not know.

Mr. KERN. The bill will be over here about 7 or half past 7 o'clock this evening.

Mr. CUMMINS. I think it is perfectly well understood—I will not say that possibly; but that is my understanding at least—that ultimately we intend to act upon the House bill and not upon the bill which has been introduced by the Senator from Nevada [Mr. NEWLANDS] and reported by him from the committee. We all understand also that the bill which is now being passed by the House has no such provision in it as section 6; that it is merely a plain declaration, such as is contained in sections 1, 2, and 3 of the Senate bill. I am sure there is no disposition upon this side of the Chamber to unduly delay the passage of any measure which our friends upon the Democratic side feel should be passed. There must, of course, be an opportunity given for every Member of the Senate to express his views upon this subject; but I have made some inquiry, and I think that will not require very much time. In view of all this, why should we not wait until we get the bill upon which we intend to act, and then take it up?

Mr. SIMMONS. Such a bill is now before the Senate.

Mr. THOMAS. We can substitute one bill for the other. Why not, then, go on and save time?

Mr. NEWLANDS. Mr. President, I will state, in the first place, there is no such understanding as that to which the Senator from Iowa [Mr. CUMMINS] refers, that the House bill is to be substituted for this bill. We do not yet know what the House bill is to be. I am told that it has already been amended in several particulars. So we have no understanding upon that score. Of course when the House bill comes over here, we shall give it due consideration; and, if it meets with the approval of the committee, the most expeditious way of disposing of this subject matter will be to pass the House bill.

Mr. GALLINGER. Mr. President, replying to the suggestion of the Senator from Nevada about a night session, I merely want to suggest that I hope that proposition will not be pressed. There is no disposition on this side of the Chamber to delay the consideration of this bill. Some of us think it is a bad bill, but responsibility for its passage will ultimately rest with the majority, and if the Senator from Nevada would agree to an early meeting of the Senate to-morrow—say 10 o'clock, if the Senator pleases—I feel sure that there will be no difficulty about reaching a vote on the bill in the afternoon of to-morrow. That certainly will answer every purpose so far as the bill becoming a law to-morrow is concerned.

Mr. NEWLANDS. The Senator from New Hampshire understands that the bill might have to go to conference. Would the Senator agree that we should have a vote on the bill by 2 o'clock on Saturday afternoon?

Mr. GALLINGER. I feel so confident in my own judgment that the bill will not go to conference that I do not take that into account.

Mr. NEWLANDS. I do not think it is safe to assume that at all.

Mr. SIMMONS. It is a very serious proposition.

Mr. STONE. Mr. President, I should like to ask my friend, the Senator from New Hampshire, a question. What objection can there be, in view of the anxiety of all of us to proceed to dispose of the business of the Senate, to sitting two or three hours to-night and getting rid of this bill?

Mr. GALLINGER. Mr. President, I have always observed that we make very little progress toward reaching a vote on a bill by holding night sessions, but as I am young, I shall be glad to come here this evening if it is ordered that we shall come.

Mr. STONE. Well, being myself young, I will come also.

Mr. GALLINGER. My own opinion is that we will not make very much progress by a night session. The Senator knows that we rarely ever accomplish anything at such session.

Mr. STONE. Will the Senator trust my judgment just once, when I say that if we will stay here to-night we will get rid of this bill?

Mr. GALLINGER. Possibly that might be so.

Mr. STONE. Just try it once.

Mr. GALLINGER. I dislike exceedingly to question the Senator's judgment, but my impression is that we will not get rid of the bill to-night. However, I am not going to be factious about the matter. Of course, the Senator from Nevada has this matter in charge, and if the Senator from Nevada feels that we ought to have a night session, he has votes enough on the other side of the Chamber to order it, and I think he will not find any factious opposition on this side. I merely made the suggestion

from the abundance of experience that we make little progress in calling Senators here in night sessions. That has been my observation in the past, but, as I have said, I shall not raise any factious opposition to any action which the majority think they ought to take.

Mr. NEWLANDS. Could unanimous consent be secured to take a vote on the bill and all amendments at 3 o'clock or 4 o'clock to-morrow?

Mr. BORAH. It could, provided there is a division of time as to the debate; otherwise not.

Mr. NEWLANDS. What would the Senator suggest regarding that?

Mr. BORAH. I would suggest that no Senator be permitted to speak on the bill more than once.

Mr. CUMMINS. Mr. President, a division of time among all the Senators is absolutely impossible.

Mr. GALLINGER. That is true.

Mr. CUMMINS. But it is very easy to limit the time that any Senator shall speak and to provide that he shall speak but once.

Mr. SMOOT. Mr. President, would the Senator from Nevada object to taking a recess until 7 o'clock and then coming back at 7 and holding a night session?

Mr. NEWLANDS. No; I will not object to that.

Mr. CUMMINS. Why not make it 7.30?

Mr. SMOOT. It is only half past 5 now. However, 7.30 would probably be a better hour.

Mr. NEWLANDS. There is insistence upon an executive session, and I will suggest that at not later than 6 o'clock we take a recess until 8 o'clock.

Mr. GALLINGER. That is better.

Mr. CUMMINS. Then the bill from the House will be here.

Mr. SMOOT. The bill will not come over from the House until about 7.30, and meeting at 8 o'clock will give us plenty of time.

Mr. GALLINGER. That is better. Then I suggest that at the night session the Senator from Nevada might make the suggestion he made a moment ago as to fixing a time for voting on the bill to-morrow; but it ought to be safeguarded along the line suggested by the Senator from Idaho [Mr. BORAH] by providing that more than one speech shall not be made by any one Senator, and the time to be occupied by each Senator might also be limited.

Mr. THOMAS. A limit of half an hour would give ample time, I think.

Mr. SIMMONS. Let speeches be limited to half an hour.

Mr. BORAH. That is satisfactory to me.

Mr. NEWLANDS. I will be prepared to make a suggestion at 8 o'clock, when the Senate reassembles.

Mr. GALLINGER. If speeches are limited to half an hour, I think it will give every Senator who desires to speak an opportunity to do so.

Mr. SIMMONS. I want to suggest to the Senator from Nevada that, in my judgment, it would be well to go on until 9 o'clock to-night and then adjourn until to-morrow under a unanimous-consent agreement as to a time for voting. I think that would be better than to come back here at 8 o'clock and stay until 10 or 11, because when we come back at 8, unless we do stay until 10 or 11, we will not accomplish anything by the night session; but if we continue in session now we will have the House bill by 7 o'clock, and, if not, we will know what is in it; and by 9 o'clock we will have given an opportunity for discussion, and can come back at, say, 10 o'clock in the morning and vote at 2 o'clock in the afternoon.

Mr. NEWLANDS. I have already indicated my assent to a recess until 8 o'clock.

Mr. GALLINGER. I think that is the better way.

Mr. NEWLANDS. I ask unanimous consent that at not later than 6 o'clock the Senate take a recess until 8 o'clock to-night.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia. I am directed by the Committee on Appropriations, to which was referred the bill (H. R. 17645) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior fiscal years, and for other purposes, to report it with amendments, and I submit a report (No. 858) thereon.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

EXECUTIVE SESSION.

Mr. STONE. At the request of several Senators, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in

executive session the doors were reopened, and, under the order previously made, the Senate (at 5 o'clock and 40 minutes p. m.) took a recess until this evening at 8 o'clock.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes, in which it requested the concurrence of the Senate.

PROPOSED RAILROAD LEGISLATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6981) to establish the eight-hour standard-workday in interstate transportation, and for other purposes.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment. If no amendment be offered to the bill—

Mr. PITTMAN. I offer as an amendment to the pending bill the bill which has just come from the other House, to strike out all after the enacting clause—

Mr. GALLINGER. That bill is not yet before the Senate.

The PRESIDENT pro tempore. The Senator from Nevada can offer the same matter; necessarily he could not offer the bill.

Mr. PITTMAN. I said that I offer the matter in the bill.

The PRESIDENT pro tempore. The Chair begs the Senator's pardon.

Mr. PITTMAN. I move as an amendment to the pending bill that all after the enacting clause be stricken out and that the matter contained in the bill which has just been received from the other House be substituted therefor.

Mr. GALLINGER. Pending that motion, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New Hampshire suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Norris	Smith, Md.
Borah	Gronna	Overman	Smith, S. C.
Brady	Husting	Owen	Smoot
Bryan	Jones	Page	Swanson
Chamberlain	Kenyon	Penrose	Taggart
Chilton	Kern	Pittman	Thomas
Clapp	La Follette	Ransdell	Thompson
Clarke, Ark.	Lane	Reed	Underwood
Colt	McCumber	Robinson	Vardaman
Cummins	McLean	Shafroth	Warren
Curtis	Martin, Va.	Sheppard	
Dillingham	Myers	Sherman	
Fletcher	Newlands	Smith, Ga.	

Mr. SHEPARD. I wish to announce that my colleague, the senior Senator from Texas [Mr. CULBERSON], is unavoidably absent.

The PRESIDENT pro tempore. Forty-nine Senators have answered to the roll call. A quorum of the Senate is present.

Mr. PITTMAN. Before presenting the motion in regular form, as it should be presented, I ask unanimous consent that the pending unfinished business be temporarily laid aside and that upon the handing down of House bill 17700 we proceed to the consideration of that bill.

Mr. PENROSE. What is the bill? We do not know these bills by numbers. Will the Senator read the title?

Mr. PITTMAN. I will say that there has just been received from the House the bill (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes.

Mr. GALLINGER. I ask that the bill be laid before the Senate.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the pending measure be laid aside temporarily and that the Senate by unanimous consent proceed to consider House bill 17700, which the President pro tempore presents to the Senate.

Mr. GALLINGER. I object to that.

Mr. PITTMAN. That being objected to, I move that the pending bill be amended by striking out all after the enacting clause and inserting the following language, commencing at line 3.

The PRESIDENT pro tempore. The Senator will send his amendment to the desk and it will be read. In the meantime the Chair lays before the Senate the bill from the House of Representatives.

The SECRETARY. A bill (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes.

Mr. NEWLANDS. I ask unanimous consent that the House bill be taken up for consideration.

The PRESIDENT pro tempore. A request has just been made by the junior Senator from Nevada [Mr. PITTMAN] for that very purpose and it was denied. However, it can be submitted again. Is there objection?

Mr. GALLINGER. I will ask that the bill first be read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

An act (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes.

Be it enacted, etc., That beginning January 1, 1917, eight hours shall, in contracts for labor and service, be deemed a day's work and the measure or standard of a day's work for the purpose of reckoning the compensation for services of all employees who are now or may hereafter be employed by any common carrier by railroad, except railroads independently owned and operated not exceeding 100 miles in length, electric street railroads, and electric interurban railroads, which is subject to the provisions of the act of February 4, 1887, entitled "An act to regulate commerce," as amended, and who are now or may hereafter be actually engaged in any capacity in the operation of trains used for the transportation of persons or property on railroads, except railroads independently owned and operated not exceeding 100 miles in length, electric street railroads, and electric interurban railroads, from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States: *Provided,* That the above exceptions shall not apply to railroads though less than 100 miles in length whose principal business is leasing or furnishing terminal or transfer facilities to other railroads, or are themselves engaged in transfers of freight between railroads or between railroads and industrial plants.

SEC. 2. That the President shall appoint a commission of three, which shall observe the operation and effects of the institution of the eight-hour standard workday as above defined and the facts and conditions affecting the relations between such common carriers and employees during a period of not less than six months nor more than nine months, in the discretion of the commission, and within 30 days thereafter such commission shall report its findings to the President and Congress; that each member of the commission created under the provisions of this act shall receive such compensation as may be fixed by the President. That the sum of \$25,000, or so much thereof as may be necessary, be, and hereby is, appropriated, out of any money in the United States Treasury not otherwise appropriated, for the necessary and proper expenses incurred in connection with the work of such commission, including salaries, per diem, traveling expenses of members and employees, and rent, furniture, office fixtures and supplies, books, salaries, and other necessary expenses, the same to be approved by the chairman of said commission and audited by the proper accounting officers of the Treasury.

SEC. 3. That pending the report of the commission herein provided for and for a period of 30 days thereafter the compensation of railway employees subject to this act for a standard eight-hour workday shall not be reduced below the present standard day's wage, and for all necessary time in excess of eight hours such employees shall be paid at a rate not less than the pro rata rate for such standard eight-hour workday.

SEC. 4. That any person violating any provision of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 and not more than \$1,000, or imprisoned not to exceed one year, or both.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the pending Senate bill may be laid aside and that the bill just read may be considered without the formality of its reference to the committee. Is there objection?

Mr. GALLINGER. Mr. President, when that request was made by another Senator I objected. The chairman of the committee having now made it, and the bill having been read, I have no objection.

The PRESIDENT pro tempore. There being no objection, the bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. NEWLANDS. Mr. President, I wish to state in reference to this bill that I greatly regret that the legislation of Congress is not now about to take the full and complete form hoped for and recommended by the President of the United States in his address. The proposals of the President of the United States were balanced proposals, such balance as any partial carrying out of his recommendations lacks.

The President proposed not only that there should be a temporary recognition of the 8-hour day and the grant of a 10-hour wage for an 8-hour day as a matter of experience and of experiment and of facts ascertained, upon which we could afterwards act, but whilst conceding that legislation to the great forces of the country that have been marshaled in an effort to paralyze its commerce, he on the other side proposed to recognize the just rights of the investors in these properties, who were subjected suddenly, according to their claims, to an increased yearly burden of from \$50,000,000 to \$100,000,000, demanded that the subject should be investigated and determined by voluntary arbitration.

So the President proposed an investigating commission which could ascertain the facts and report them to Congress; and not only that, but that the facts themselves should be laid before the Interstate Commerce Commission and have such influence as they deserved upon their judgment in the matter of the regulation of the rates and the consequent determination of the income of the various companies which were subjected to this additional burden. He yielded to a demand which refused would have resulted in civil war, but at the same time he sought to give the proper guaranty to the great corporations, insistent that they were being subjected to an unjust burden. He thus held the balance even between the two, or as evenly between the two as the circumstances would permit. He did not shrink from the issue of affording the machinery by which this determination could be made. He did not shrink from declaring that action should be taken by the regulating body if the facts warranted. He had the courage to face the shipping and consuming public and to say to them it is possible that this may result in an increased burden upon you, and he did not shrink the issue, as Congress has, by leaving that an undetermined question.

What else, as a matter of balanced legislation, did he urge? The adoption of legislation which would prevent future emergencies of this kind. He proposed that inasmuch as society had never yet secured a means by which reason instead of force should prevail in the determination of contests between capital and labor, between the employers and the employed, thus turning over the employed to the exercise of collective force as their only weapon of defense, society should act upon that question by creating a tribunal which whenever a controversy arose in interstate commerce between employer and employed should ascertain the facts with a view to informing public opinion, that public opinion which always in the end really renders judgment as between these two contending forces. He proposed, and he had the courage to propose, that, whilst that investigation was pending, the privilege to labor to strike and the privilege to the employer to lock out, should be stayed by law until the facts should be laid before the public, who were to sit in judgment, and finally to enter their decree, through that public opinion which finally controls everywhere in the United States. It was perhaps running a risk for him to declare this. The employees, the workers of the country, struggling for years against the traditional powers of employers to control the job, have relied in the conditions of barbarism, which we have permitted to exist, upon the strike as the only weapon of defense. They have been jealous of the maintenance of that defensive weapon, and unwilling to impair in any way its use, realizing that, so long as the present condition of barbarism remains, force alone would ultimately determine the conflict, and that unless they could have a union of forces, the individual laborer was powerless as against the union of capital; and he had the courage, referring to that weapon which the laboring forces of the country had so carefully guarded, to declare that during this period of investigation, and until a report of the facts should be made, the privilege of the strike should be stayed and the strike should be declared unlawful. He had the courage to do that when an election was approaching and when the votes of the workers throughout the country were a matter of serious concern to every candidate.

Mr. President, that was a courageous, and, under the circumstances, a wise proposal; just to all the conflicting interests and the contending interests of society, and bound in the end to result in the substitution of reason for force in the determination of these great controversies. Congress has shirked and will shirk the issue.

Mr. BORAH. Mr. President—

Mr. NEWLANDS. Permit me to conclude my statement.

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. If the Senator will permit me to conclude my statement, I shall then answer any interrogation.

The PRESIDENT pro tempore. The Senator from Nevada declines to yield.

Mr. NEWLANDS. Mr. President, perhaps I am unduly severe in my strictures upon Congress, composed of officeholders who in the next campaign will largely be office seekers, and who do not wish to encounter too serious complications in their campaigns.

It may be that the questions raised were of such magnitude and importance as to require careful consideration, long study, deliberate judgment; and I think it might have been better if I had dwelt upon that phase of the question rather than upon the former; but the fact remains that we are not prepared to meet the issues that Woodrow Wilson is prepared to meet, and

the legislation, which this controversy teaches is necessary, must be postponed to another day. God grant that when that day comes we can be as conscious of the perils of the barbarism that prevails to-day in our legislation as we now are; that we will not sink into apathy and inertia, and that in the breathing spell which this truce affords us we can apply our reason and our judgment and our deliberation to some scheme of legislation which will rescue us from that condition of barbarism which afflicts the world internationally through the absence of some tribunal before which contending parties, hot with passion, can be heard, with the power and the capacity and the judgment to so determine questions as to avert resort to force, thus completing the system of law and order which we proudly claim prevails in this the favored country of the world, and which we hope will sometimes prevail as between the struggling nations of the earth. I now yield to the Senator from Idaho.

Mr. UNDERWOOD. Mr. President, I do not intend to take up the time of the Senate with any further debate, as I discussed the question fully this afternoon. The House bill that has been substituted for the Senate bill has no provision in it in reference to arbitration. The Senate bill in section 6 preserved the great system of arbitration in this country in reference to questions of wage by a provision that allowed the Interstate Commerce Commission to fix the hours of labor and rates of pay. In order that the matter may be before the Senate for consideration, I offer as an amendment to the House bill section 6 of the Senate bill with a slight modification and ask that it be stated.

The PRESIDENT pro tempore. The Senator from Alabama offers an amendment, which will be stated.

The SECRETARY. At the end of the bill it is proposed to add as a new section the following:

SEC. 5. That the Interstate Commerce Commission shall have the power to fix the hours of labor and determine just and reasonable wages for all employees of the railroads named in section 1 of this act. The rate of wages and the hours of labor provided for in this act shall remain fixed for service and pay until changed by the decision of the Interstate Commerce Commission, which, within a period of not less than 6 nor more than 12 months from the passage of this act, shall determine what are just and reasonable wages and what shall be the hours of labor for all employees of the railroads above mentioned.

The Interstate Commerce Commission shall have the power from time to time to change the hours of labor and the rate of wages for all employees of the railroads named in section 1 of this act, either in whole or in part, upon its own initiative, on the petition of the employees, the managers of the railroads, or the public.

Mr. THOMAS. Mr. President, I have listened this afternoon with intense interest to everything which was said upon the subject now under discussion, and I was particularly impressed with the remarks which have just been submitted by the chairman of the Interstate Commerce Committee [Mr. NEWLANDS] having the bill in charge.

On Monday last the President, in consultation with the steering committee of the majority of the Senate, submitted a program, which was the next day outlined in the message which he delivered to the joint session of the Congress. It was a program deliberately prepared by the President and his advisers as the best that could be offered to meet the national exigency then impending; and, as the Senator from Nevada has said, it was offered as a program designed to be complete, the component parts of which were to be the basis of such needed legislation as might be speedily accomplished.

The Senator from Alabama [Mr. UNDERWOOD] called attention to the preparation and submission by the Department of Justice to the committee of as many bills as were suggested in the message and, of course, designed to be considered and, if possible, recommended for enactment.

It was a matter, Mr. President, of great disappointment to me that the bill submitted by the committee this afternoon practically covered but one of the subjects which the President deemed of so much importance, and that subject one which designates as a sort of yard measure eight hours of time as the basis in contracts for labor and as the standard for reckoning compensation for services.

The bill also contained two other provisions, one of which was designed to prevent, by severe penalties, the willful delay, obstruction, or hindering of the operation of trains on roads mentioned in section 1 of the act, the other to invest the Interstate Commerce Commission with power to fix the hours of labor and prescribe just and reasonable wages; and, Mr. President, it is either that or the briefer House bill, now under consideration, that will probably be enacted if any legislation is to be effected upon this subject within the next 24 hours. I regret, Mr. President, as I have before said, that we are thus confined in our legislation to the consideration of what seems to be a single subject, and that the enactment of a basis for fixing contracts for labor in the future, a very small por-

portion of the subjects believed by the President to be demanded by the situation now confronting us.

The President, in his message, said:

Having failed to bring the parties to this critical controversy to an accommodation, therefore I turn to you, deeming it clearly our duty as public servants to leave nothing undone that we can do to safeguard the life and interests of the Nation. In the spirit of such a purpose I earnestly recommend the following legislation.

I shall not detain the Senate by reading the program which the President then outlined. With that the Senate is familiar; but he continued:

There is one other thing we should do if we are true champions of arbitration. We should make all arbitral awards judgments by record of a court of law in order that their interpretation and enforcement may lie, not with one of the parties to the arbitration, but with an impartial and authoritative tribunal.

These things I urge upon you, not in haste or merely as a means of meeting a present emergency, but as permanent and necessary additions to the law of the land, suggested, indeed, by circumstances we had hoped never to see, but imperative as well as just, if such emergencies are to be prevented in the future. I feel that no extended argument is needed to commend them to your favorable consideration. They demonstrate themselves. The time and the occasion only give emphasis to their importance. We need them now and we shall continue to need them.

Mr. President, if the estimate of the Senator from Alabama [Mr. UNDERWOOD] of the bill reported by the committee of which he is a member be correct, it can be considered as a mere temporary measure only, and designed to avoid for the time being the crisis now threatening the industries of the entire Nation, and practically expiring by the limitation of nine months or thereabout upon it. If that be true—and I am not prepared to say it is not true, although my reading of the bill would lead me to a somewhat different conclusion—then the fact remains that not a single recommendation of the President has been reported for the consideration of the Senate, but that a temporary measure having some of the features of one of them is before us for consideration.

Mr. President, if that be so, and we now pass nothing but an eight-hour provision, we may be reproached with legislating to tide a great crisis over a presidential election upon the assumption that the interval will be utilized by Members of Congress in the investigation of all subjects connected with the situation, to the end that before the period shall have expired other and more permanent and intelligible legislation will be placed upon the statute books. I hope that may be so, because I shall, as a matter of course, join with my associates in whatever legislation may be by the majority be deemed essential for this time. But I apprehend that we shall do nothing further until again compelled to do so.

I can not avoid referring here to another subject discussed by the Senator from Alabama, and I think also referred to by the Senator from Nevada—that this legislation was demanded by certain great labor organizations as the alternative of a strike called for next Monday, which would involve the entire transportation system of the Nation in its scope, thereby paralyzing by temporarily suspending the industrial energies of the Nation. Assuming that to be true, Mr. President, I believe it must be said that this is the first time that the Congress of the United States is legislating in pursuance of a semipublic bargain upon a great subject of widespread and national concern; and I greatly fear, if that be so, unless the legislation thus demanded is coupled with sanctions and guaranties that will make it effective, it may become, and that in the near future, a precedent for similar demands coming from other directions to which we must also yield for the same reasons, only again to postpone the day of the final wrath to come. That, Mr. President, is not wisdom; it is not statesmanship; it is not common sense; and, above all, it is not the proper discharge of the duties of the legislators of the people to the constituencies which sent them here.

I think, therefore, that the stricture of the Senator from Nevada is correct, that it is the Congress and not the President of the United States which is disposed at this time. I will not say to surrender to ominous demands, but to evade the tremendous responsibilities which we assumed with our election, and which in times of crisis above all others we should meet, and meet like men, without regard to consequences as to individuals or individual ambitions. I very much fear, too, that after this danger shall have passed away we will lapse into that same condition of indifference to which all men are prone in times of quiet and peaceful contentment.

I recall that last May the Senator from Nevada, in the discharge of his duty, fearful that this identical situation would be evolved from conditions then quite apparent, urged upon the attention of this body the necessity of adopting some anticipatory legislation which would enable us to meet, if indeed it would not avoid, the contingencies which then threatened, and which now justify the position which he then assumed. But,

Mr. President, we are a hopeful, optimistic people, and Members of Congress do not in that respect differ from other individuals. So, some of us listened to him and then went our way, indulging the hope, if not the assumption, that time in its evolutions would bring the subject to a satisfactory solution, and thereby make it unnecessary for us to exert ourselves concerning it.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. I yield, although I do not intend to speak very long, and I therefore hope I will not be interrupted.

The PRESIDENT pro tempore. The Senator yields.

Mr. THOMAS. I will yield to the Senator.

Mr. BORAH. I will not interrupt the Senator if he is not going to talk long.

Mr. THOMAS. I will yield to the Senator, but I do not intend to occupy the time of the Senate long.

Mr. BORAH. The Senator is assuming that this is the only bill which is to be brought before this Congress touching this subject matter.

Mr. THOMAS. No; not the Congress but the session.

Mr. BORAH. Well, during this session. Do I understand that this is the only measure touching this entire subject matter which we are going to be called upon to consider at this session?

Mr. THOMAS. Why, Mr. President, I am unable to answer that, as I am not a member of the committee. I know of no other bill.

Mr. BORAH. Why should the Senator from Colorado be so gloomy over the situation? Perhaps we will have another bill in here Monday to cover this exact situation.

Mr. THOMAS. If the Senator will assure me that it is the intention to bring in such a bill, I shall be very glad to know it.

Mr. BORAH. I assumed that it would hardly be practicable to put all these different measures in one bill, and that it was likely that we would be called upon to consider other measures covering different phases of the President's message.

Mr. THOMAS. Mr. President, we have passed a number of bills during this session which comprise a vastly greater number of subjects than those to which the President's message called attention. Indeed, it is becoming the custom, and not the exception, to embody in our supply bills practically all subjects of legislation coming within the constantly increasing jurisdiction of the Federal Congress. I think we would have ample time to consider the various subjects, interrelated and interwoven with each other, had they been brought at this time to the attention of Congress.

So much, however, for what my friend is pleased to call a gloomy view of the situation.

Now, Mr. President, I presume that if the Congress has the power which it has recently asserted to declare what class of persons may be permitted to manufacture goods entering into interstate commerce, it also has the right to legislate with regard to what shall be a day's labor and what shall be the compensation for that day's labor, in so far as matters of interstate commerce are concerned. To my mind, however, it is the exercise of a very dangerous authority, if, indeed, it exists at all, because the power to fix a day's labor at 8 hours necessarily carries with it the power to fix it at 16 hours, and the power to require the wages now paid for 10 hours to be applied to 8 hours carries with it also the power to require men to work 16 hours for 8 hours' wages. In a country like ours, where the shifting currents of public opinion which always control public action are first in one direction and then in another, precedents resorted to in crises or occasionally may, even in the near future, rise to plague those who invoked their exercise.

We know, Mr. President, that first one and then another political party controls the affairs of this Republic; that they come and go because of the rise and the fall of policies and of principles through the operation of those tremendous forces which constitute the driving power in legislation, and ever resorting to precedents for the accomplishment of their purposes. So that I am not at all sure that, even granting the existence of such an authority, it is the part of wisdom and of caution to resort to it too hastily. But here, since it is the alternative to a condition which we must avoid, and since the trend of legislation is constantly in the direction of an extension of Federal authority, we may be pardoned for resolving the doubt in favor of what seems to be the general demand and of acting accordingly.

But, Mr. President, it seems to me that that provision of section 3 of the Senate bill which prohibits, under penalties, interference with the operation of trains moving in interstate com-

merce should go with this legislation, so that there shall be some sanction in the law giving assurance to the public that the grant of the concession will permanently tend to end the difficulty. Much has been said here about compulsory arbitration, in which I do not believe. Indeed, it has always seemed to me to be a contradiction in terms, since arbitration as distinguished from litigation is generally the result of consent and of mutual agreement as distinguished from compulsion. But certainly compulsory arbitration is no more undesirable than compulsory legislation; yet we are now engaged in passing an act of compulsory legislation, which to become effective and which without such compulsion, as I have said, should carry with it some requirements which guarantees the security of the future.

Mr. President, it is an undeniable fact that in the United States, on the one hand, great, overshadowing and far-reaching combinations, dominating all human energies, have been allowed to come into existence, to develop, and to reach their present enormous proportions; on the other hand, labor unions, from small beginnings, have developed and expanded until they, too, spread over the surface of the continent; and the differences frequently arising between the two—as the employer and the employed—are assuming national proportions and becoming vast national issues, forcing all other issues, however important, aside and concentrating the attention of thoughtful men upon the consequences involved in the threatened final and irreconcilable disagreement between the two. These huge Frankensteins, now practically beyond the control of the Government, now confront each other upon an issue in which one demands much and the other concedes nothing, and are about to grapple, thus involving not only the industries of the country but the very peace if not the foundations of society, require that the Government, in legislation of this kind, when making concessions should also arm the President and the other authorities with power to determine, for the peace and welfare of society, how these questions shall be settled and the extent to which the settlement shall be enforced.

It may be said that this is impossible regardless of the nature of legislation or the care and deliberation with which it may be conceived and enacted; but to my mind it is the supreme question of modern politics in America. It is the one great issue of this as it may be of the next generation, whether modern combinations are stronger than the Government; whether the Government is unwilling or unable to discharge the responsibilities which these new conditions place upon it. To my mind there is but one solution of this tremendous problem beyond that of a resort to force, which I trust in God may never be necessary. Mr. President, my experience is that when the sober second thought of the average citizen takes possession of him, and he reviews and realizes the consequences of extremes and feels his sense of responsibility to his country and the interest which he has in it, I can well entertain the hope that there never will be other than a peaceful solution of these differences, however imminent or menacing they may at times appear.

Mr. President, I have said that I believed there was but one solution of this sinister problem. I do not think it can be found in section 6 of the Senate bill—so ably championed by the Senator from Alabama [Mr. UNDERWOOD]—because, although we give to the Interstate Commerce Commission all the power and all the jurisdiction contemplated by that section there is lacking the element essential to the enforcement of its decrees. The power of the courts in the last resort, Mr. President, is the armed force of the country. The commission is not a court, although sometimes exercising quasi-judicial powers. This section does not pretend in any manner, not in the slightest degree, to determine how or in what manner the orders that are to be made under it, if jurisdiction were extended to that tribunal, may be enforced, and their various details observed.

Mr. President, in this connection I am justified in again reminding the Senate that this situation is the outgrowth—the logical outgrowth, the necessary outgrowth—of the original surrender to private hands by the people of the United States of the great business of transportation.

The Senator from Alabama very justly called attention to the absolute dependence of our economic and social life upon the great systems of transportation. He well likened our arteries of commerce to those of the human system and spoke truly when he said that death ensued from any serious interruption of the circulation of either. And yet, Mr. President, because of the surrender of this great public agency into private hands, five or six men now controlling it may stand between the acceptance of an offer of compromise and the welfare and the well-being of 100,000,000 people.

Mr. President, no such power in any other country was ever delegated to a few private citizens. No other country would

permit a great element of government to be used for selfish purposes as it has been so constantly used here. Those clothed with it in America have manipulated it in amassing colossal fortunes, in emitting huge volumes of fictitious wealth in the shape of watered stock, and in wresting compensation from the consumers, that profit may be realized upon a so-called capital having no basis more substantial than the circumambient air.

We will avoid troubles like that we now consider only when the Nation reasserts its power and control over its lines of transportation, these huge arteries of commerce, these absolutely essential systems without which our national life is impossible. When these brotherhoods become the employees of the Nation, subject to its laws and to its orders, the people will be freed from the menace of starvation, suffering, misery, and disorder which flow from the clash of private interests, which can not be reconciled by peaceful methods.

On the first day of the present session of Congress I introduced for the accomplishment of this purpose Senate bill 18, entitled "A bill to provide for the establishment of Federal railroad companies, to establish a more effective supervision of railroads in the United States, and for other purposes," prepared by one of the most noted lawyers of America, a lawyer and a gentleman who has given profound thought to the subject, who has for years been the legal representative of some of the great corporations of the country, whose reflections and experience long ago warned him that the one solution of the problem of transportation, the one method of arriving at a settlement of the differences which are bound to arise between great combinations of men and great combinations of capital when engaged in a great public service, was in a modified but complete governmental control. He proposed to use as the basis of his scheme the Federal bank system, providing for the division of the country into districts and the establishment in each of them of a Federal corporation, taking over all the roads within their respective boundaries, the majority of the stock in which should be owned by the Government, and the control of which should be in boards of directors, a majority of whom would represent that interest. I shall ask that this bill be printed as a part of my remarks without reading.

The PRESIDENT pro tempore. Such will be the order, without objection. The Chair hears none.

The bill referred to is as follows:

A bill (S. 18) to provide for the establishment of Federal railroad companies, to establish a more effective supervision of railroads in the United States, and for other purposes.

Be it enacted, etc., That wherever the words "Federal railroad company" are used in this act the words shall be construed to refer to each of the five corporations to be organized under this act as herein provided.

The words "Federal railroad board" used in this act shall be construed to mean the board of six members herein provided for.

The words "Federal railroad board" used in this act shall be construed to be the head, at the seat of government, of an executive department to be known as the department of railroads, said head to be appointed by the President, by and with the advice and consent of the Senate. Said appointee shall receive a salary of \$12,000 per annum, and his term and tenure of office shall be uniform with other members of the Cabinet.

FEDERAL RAILROAD DISTRICTS.

SEC. 2. That continental United States, excluding Alaska, is hereby divided into five districts, to be known as New England railroad district, central railroad district, southern railroad district, northwestern railroad district, and central Pacific railroad district.

The New England railroad district shall include the New York, New Haven & Hartford Railroad system and all other railroads in New England not controlled by any railroad system in another Federal railroad district.

The central railroad district shall include the Pennsylvania Railroad system, New York Central Railroad system, Erie Railroad system, Baltimore & Ohio Railroad system, Chesapeake & Ohio Railroad system, and all other railroads in the States of Illinois, Indiana, Ohio, Michigan, Pennsylvania, New Jersey, and New York not controlled by any railroad system in another Federal railroad district.

The southern railroad district shall include the Southern Railroad system and Illinois Central Railroad system, and all other railroads in the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, West Virginia, and Mississippi, and the District of Columbia not controlled by any railroad system in another Federal railroad district.

The northwestern railroad district shall include the Chicago, Milwaukee & St. Paul Railroad system; the Chicago & North Western Railroad system; the Northern Pacific Railroad system; the Great Northern Railroad system; and all other railroads in the States of Wisconsin, Minnesota, North Dakota, South Dakota, Montana, Wyoming, Idaho, Oregon, and Washington not controlled by any railroad system in another Federal railroad district.

The central Pacific railroad district shall include the Union Pacific Railroad system; the Atchison, Topeka & Santa Fe Railroad system; the Southern Pacific Railroad system; and all other railroads in the States of Iowa, Nebraska, Kansas, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Colorado, New Mexico, Arizona, Utah, Nevada, and California not controlled by any railroad system in another Federal railroad district.

Any question which may arise as to whether a particular railroad is included within any particular Federal railroad district shall be decided by the Federal railroad board.

FEDERAL RAILROAD COMPANIES.

SEC. 3. That the Federal railroad board shall supervise the organization in each of the said districts of a Federal railroad company by nine individuals in each district selected by the Federal railroad board, and thereupon such individuals in each district shall, under their seals, make an organization certificate which shall specifically state the name of such Federal railroad company, the territory, and extent of the district, as defined by State in section 2 of this act; the city and State in which its principal office is to be located in said district, the amount of capital stock (\$5,000), and the number of shares into which the same is divided (\$10 each), and the number of shares subscribed for by each incorporator (100). The said organization certificate shall be acknowledged before a judge of some court of record or notary public; and shall be, together with the acknowledgment thereof, authenticated by the seal of said court or notary, transmitted to the secretary of railroads, who shall file, record, and preserve the same in his office. Upon the filing of such certificates with the secretary of railroads, as aforesaid, each of the said Federal railroad companies shall become a body corporate, and as such and in the name designated in such organization certificate shall have power—

First. To adopt and use a corporate seal; to have succession in perpetuity, unless it is sooner dissolved by an act of Congress, or unless its franchise becomes forfeited by some violation of law; to make contracts; to sue and to be sued in any court of law or equity; to appoint by its board of directors such officers and employees as are not otherwise provided for in this act, to define their duties, require bonds of them and fix the penalty thereof, and to dismiss at pleasure such officers or employees; to prescribe by its board of directors by-laws, not inconsistent with law, regulating the manner in which its general business may be conducted, and the privileges granted to it by law may be exercised and enjoyed; to exercise such incidental powers as shall be necessary to carry out the purposes of this act.

Second. To acquire, hold, and exercise the power of ownership of any or all of the shares of the capital stock and bonds and other obligations of any or all railroad companies within its district as aforesaid; also to construct, acquire, maintain, and operate railroads within its district; also to issue shares of its capital stock from time to time, either for cash or in exchange for shares of stock or bonds or other obligations of any and all railroad corporations within its district, on such basis of exchange as may be authorized by its board of directors; also to issue shares of its capital stock from time to time for such purposes (including its own expenses and disbursements) connected with or incidental to the control, acquisition, construction, management, use, and development of railroads, railroad business, and railroad stocks, bonds, or other obligations already issued or hereafter to be issued by railroad companies within its district (including the issue of Federal railroad company stock, to provide money to enable any railroad company in its district to pay or purchase outstanding obligations or to pay for past or future improvements, equipment, or extensions, stock of such railroad company being issued to the Federal railroad company in consideration of such money), as may be determined by its board of directors; also to exercise the power, which is hereby given to it, of eminent domain, to acquire any shares of the capital stock of any and all railroad corporations within its district or to acquire any railroads themselves or railroad property or property for railroad purposes, in its district, whenever in its opinion it is necessary or advantageous to it to do so by condemnation under judicial process, and the United States district court or courts of the district wherein such stock or property is located shall have jurisdiction of proceedings for such condemnation. The practice, pleadings, forms, and modes of proceedings in causes arising under the provisions of this act shall conform as near as may be to the practice, pleadings, forms, and proceedings existing at the time in like causes in the courts of record of the State within which such district courts are held, any rule of the court to the contrary notwithstanding.

Third. To vote its own holdings of stock and to solicit proxies from other stockholders to vote their holdings of stock in any railroad corporation in its district, and such vote of such stock and proxies by the Federal railroad company for directors in said railroad corporation or corporations shall be limited to persons who shall have resided within the district for at least nine months in each of the five years prior to the election, and have been actively engaged during said five years in the district in commerce, agriculture, or some other industrial pursuit, or in the practice of a profession.

SEC. 4. At least six members of the board of directors of each Federal railroad company shall for at least nine months of each of the preceding two years have resided in the district in which he is chosen director. No Senator or Representative in Congress shall be an officer or director of a Federal railroad company. No director of a Federal railroad company shall be an officer, director, or employee of any railroad company. Any director of any Federal railroad company may be removed at any time for cause by the Federal railroad board. The board of directors of each Federal railroad company shall consist of nine members, three of whom shall be designated by the Federal railroad board and six of whom shall be selected by the stockholders of the Federal railroad company in meeting assembled. The first board of directors shall consist of the nine incorporators and shall hold office for six months after incorporation. Voting by proxy at an election of a Federal railroad company shall be allowed, but all proxies shall run to and be voted by the Federal railroad board free from instructions in voting such stock. The stock shall be voted as follows: The owner of 10 shares or less shall have 1 vote; the owner of from 10 to and including 49 shares shall have 2 votes; the owner of from 49 to and including 100 shares shall have 3 votes; the owner of from 100 to and including 200 shares shall have 4 votes; the owner of over 200 shares shall have 5 votes and no more. The directors of each Federal railroad company shall receive such compensation as the board of directors may determine in advance in each instance, subject to the approval of the Federal railroad board. The board of directors of each Federal railroad company shall at its first meeting (after its first board retires from office) designate three directors to serve one year from the next first day of January, and three for two years, and three for three years (one of the three directors named by the Federal railroad board to be in each class), and thereafter all directors shall hold office for three years. Vacancies in the board shall be filled by the remaining directors. Each Federal railroad company shall every three months make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress.

STOCK ISSUES AND GUARANTY OF DIVIDENDS.

SEC. 5. That the capital stock of each Federal railroad company shall be divided into shares of \$10 each. The outstanding capital stock may

be increased from time to time as authorized by the board of directors. When the capital stock of any Federal railroad company shall have been increased the board of directors shall cause to be executed a certificate to the Comptroller of the Currency showing the increase of capital stock. The shares shall be represented by certificates, which shall be transferable.

Sec. 6. That dividends on the stock of each Federal railroad company shall not exceed an amount fixed for each issue when made, such amount being the amount of dividend guaranteed by the United States Government as hereinafter provided.

Sec. 7. That the United States Government hereby guarantees the payment of dividends on the shares of the stock of the several Federal railroad companies to the amounts specified on the certificates for said stock as originally authorized by the board of directors of the particular Federal railroad company, and the Secretary of the Treasury is hereby authorized and directed to sign the name of the United States of America to a guaranty to that effect on the face of the certificates of stock issued by the corporation (the guaranty on canceled certificates to be canceled when the certificates are canceled by transfer), the form of said guaranty to be as follows (the rate of dividend guaranteed being filled in in each instance):

"The United States of America hereby guarantees to the record holder of this certificate of stock the payment by the Federal railroad company issuing the same — per cent annual dividends on the shares of the capital stock represented by this certificate, payable semiannually on the 1st days of January and July of each year after the date of this guaranty."

If at any time the United States of America by act of Congress ceases to pay said guaranty, the United States of America shall pay to the holders of said certificates of stock the price at which they were originally issued or the value at the time of issue of the property for which they were originally issued.

Sec. 8. That the United States Government shall be entitled to all the profits of the several Federal railroad companies in excess of said guaranteed dividends, and shall apply such excess profits to extensions and improvements, or purchase of railroad bonds or stock, or reduction of rates, or retirement of stock issued hereunder, or for any other purpose said Government may deem best in connection with the railroads.

Sec. 9. That national banks and Federal reserve banks may invest and deal in the shares of stock of the said Federal railroad companies, or any of them, and such shares may be transferred to and deposited with the Treasurer of the United States in lieu of United States bonds as prescribed by sections 5159 to 5189, inclusive, of the Revised Statutes of the United States as amended, and by section 4, subdivision 8, of the Federal reserve act, and may be deposited with the Treasurer of the United States as security for deposits by said Treasurer of funds of the United States in national banks, and may be deposited as security for and in accordance with the act of Congress of May 30, 1908, amending the national banking laws. The board of trustees established by act of Congress of June 25, 1910, to establish postal savings depositories may invest postal savings funds in such shares as securities of the United States within the meaning of that act. Said shares of the capital stock of said Federal railroad companies, or any of them, shall be receivable at par as a satisfactory collateral security for Federal reserve notes and as a reserve available as eligible paper under the Federal reserve act, and as investments by Federal reserve banks. Said Federal railroad companies, their stock and property, and the income to their stockholders from the guaranteed dividends, shall be exempt from Federal, State, and local taxation and license fees.

Sec. 10. That the Federal railroad companies shall proceed with all reasonable dispatch to acquire sufficient of the outstanding capital stock of the Pennsylvania; New York Central; Illinois Central; Chicago, Milwaukee & St. Paul; Chicago & North Western; Union Pacific; Atchison, Topeka & Santa Fe; and Southern Pacific Railroad systems to control those railroad companies; each Federal railroad company so to acquire the stock of any of said railroad system or systems within its district. Such acquisition may be by purchase or by exchange of Federal railroad company's stock for the stock of said railroad system or systems or by condemnation proceedings.

FEDERAL RAILROAD BOARD.

Sec. 11. That a Federal railroad board is hereby created, which shall consist of six members, one to be the secretary of railroads and the remaining five members to be appointed by the President of the United States, by and with the advice and consent of the Senate. In selecting the said five members of the Federal railroad board not more than one shall be selected from any one Federal railroad district. The said five members shall devote their entire time to the business of the Federal railroad board, and shall each receive an annual salary of \$12,000, payable monthly, together with actual necessary traveling expenses. No Senator or Representative in Congress shall, during his term of office, or for five years thereafter, be a member of the Federal railroad board. The members of the said board shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any railroad company, and shall not, during that time, hold or own stock therein. At least one of said five members shall be a person experienced in the management and operation of railroads. One member shall be designated by the President to serve for 2 years, one for 4, one for 6, one for 8, and one for 10 years, and thereafter each member so appointed shall serve for a term of 10 years unless sooner removed for cause by the President. Whenever a vacancy shall occur, whether by expiration of term or otherwise, among the said five members of the Federal railroad board a successor shall be appointed by the President, with the advice and consent of the Senate, to fill such vacancy. The President shall have power to fill all vacancies that may occur on the Federal railroad board during the recess of the Senate by granting commissions which shall expire 30 days after the next session of the Senate convenes. Of the five members thus appointed one shall be designated by the President as governor and one as vice governor of the Federal railroad board. The governor of the Federal railroad board, subject to its supervision, shall be the active executive officer. A majority of the members at a meeting duly called shall constitute a quorum, and a majority of those present at such meeting shall be sufficient for affirmative action. The salaries and expenses of the Federal railroad board shall be paid by the Federal railroad companies in proportion to the respective outstanding capital stock of each from time to time. The Federal railroad board shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress. The Federal railroad board shall have power to examine at its discretion the accounts, books, and affairs of each Federal railroad company and to require such statements and reports as it may deem necessary, and shall at all times furnish full information to the public regarding its operations and the operations of each Federal railroad company.

Sec. 12. That said Federal railroad board is hereby given the power to fix and determine all interstate railroad rates and service and also such intrastate rates and service as Congress has power to regulate under the Constitution of the United States.

Sec. 13. That no stock shall be issued by any Federal railroad company except after the approval thereof by the Federal railroad board, which board shall also first approve the use to be made of such stock and the terms of its issue. All financial operations of every Federal railroad company shall be approved by the Federal railroad board before becoming effective.

Mr. THOMAS. Mr. President, I shall not detain the Senate longer. I know there are many things to be discussed before we reach a vote upon this measure. I know that other Senators who have considered the subject far more profoundly than I must give us the benefit of their experiences and their knowledge. I shall therefore yield the floor, with the reiteration that whatever may be the form of this bill, however it may fail to meet my view of what its requirements should be, I shall feel bound under the circumstances and the situation to cast my vote for its enactment.

Mr. CUMMINS. Mr. President, the immediate question is, I assume, the amendment offered by the Senator from Alabama [Mr. UNDERWOOD]. In opposing the adoption of the amendment it must not be understood that I am in favor of the bill even though the amendment be rejected.

But there is a curious situation just before us that it is worth while to consider for a moment, and it is this: The Senator from Alabama stated this afternoon very clearly and very frankly that he regarded the bill as it now comes from the House as indefensible. It is practically the bill that was reported by the committee of the Senate with the exemption of the amendment which the Senator from Alabama now offers. He was very emphatic with respect to his opinion upon the general merits of the bill. His only reason, and in that I know he is joined by the Senators on the other side of the Chamber, possibly by some on this side of the Chamber, for supporting or advocating the proposal in the bill is that a great calamity is about to fall on the people of the United States, and that we must surrender our views with respect to the propriety of such legislation in order to protect the people of the United States from the most appalling disaster with which they were ever threatened.

The reason is a persuasive one. I am not prepared to say that a Senator ought not to yield much of his opinion in order to accomplish so desirable an object, although for myself it is impossible for me to believe that the consequences with which we are threatened ought to be prevented in the way proposed in the legislation of the House or in the legislation proposed by the committee of the Senate. However that may be, the Senator from Alabama now offers an amendment to the House bill which, if adopted, will, in my judgment, destroy the object of the bill and the reasons which he gave for supporting the bill.

I should like to know whether the Senator from Alabama or any other Senator in the Chamber has any reason to believe that if the amendment proposed by him is adopted by the Senate and becomes a part of the law the executives of the brotherhoods, who alone have the power to avert the threatened strike, will act? I want to know whether he is of the opinion that they will send the telegram or telegrams which yesterday in the hearing before the committee we were advised must be sent in order to prevent the general suspension of traffic at 7 o'clock Monday morning?

Mr. UNDERWOOD. If the Senator from Iowa will permit me—

Mr. CUMMINS. If the Senator is of that opinion, I will be very glad to know it.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Alabama?

Mr. CUMMINS. In just a moment. I am of the opinion—

The PRESIDENT pro tempore. The Senator from Iowa declines to yield.

Mr. CUMMINS. I will yield in just a moment. I have only an inference to justify it, but I am of the opinion that these brotherhoods will not regard the legislation with the amendment which is proposed by the Senator from Alabama as a satisfactory settlement of the dispute. I yield now to the Senator from Alabama for a question.

Mr. UNDERWOOD. I did not intend to interrupt the Senator, but he seemed to be asking me a question, and I rose for that purpose. I answered that question this afternoon. Probably the Senator was not present at the time. I stated then, and I will state again, that I regard the leaders of the brotherhood of trainmen who represent those men here to be men of character and intelligence. When the Senator asks me if I think men of both character and intelligence would order their men to strike or would withhold an order to keep them from striking because the Congress of the United States passed legis-

lation that they did not like, I must say that I think that is an attack on the intelligence and patriotism of those men.

Of course, they were in a combat with the managers of the railroads. They were making a battle for an increased wage. They did not bring this question to Congress. They did not bring this question to Washington. They were battling in New York, and the question of the Government was not connected with it. The President, in my judgment, very properly endeavored to pacify and ameliorate the situation, and he brought them here. He was unable to succeed, but he did, I am told, secure an understanding with these men that they would withhold their strike order on one condition, and that is that this eight-hour system as a method of raising wages if not agreed to by the railroad companies should be temporarily written into law. Now, if we write it into law it is the same thing as the railroad companies agreeing to it for the six or seven months it is operative, and they have got nothing to go to the country on, nothing to go to their men on.

As to any other legislation that Congress would pass, to say that the intelligent men at the head of these great organizations would order a strike and tie up the great transportation systems of the United States for the purpose of compelling legislation from Congress in their interests, not to settle a dispute that they had brought on as to wages, but to force legislation out of the Congress of the United States by such an act, in my judgment would be nothing short of treason to their country and their flag, and they are too intelligent a set of men to engage in any such proposition, in my judgment.

Mr. CUMMINS. Mr. President, I have known the chiefs of these four brotherhoods for many years, and I have always regarded, and regard it now, as a high honor to reckon them among my friends. They are all intelligent; they are all patriotic. But the Senator from Alabama and all the Senators here must not forget the genesis and the development of this legislation. It is true that these executives of the brotherhoods have not appealed to Congress. They ask nothing of Congress. In my judgment, they came before the President of the United States against their will and because the invitation of a sovereign is always a command. In my judgment they were very reluctant to see the question propounded in Congress at all, and I entirely acquit them of any motive or intent whatsoever to coerce Congress in the least degree. I am as assured as the Senator from Alabama can possibly be that they will discharge what they regard to be their duty without any respect to consequences. Let us see. The President of the United States—

Mr. BORAH. Before the Senator proceeds with that—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator from Idaho.

Mr. BORAH. The Senator from Iowa says that the representatives of the brotherhood are asking nothing of Congress. In one sense, and technically, perhaps, that is true. But it is known that Congress is legislating here to-night without opportunity to consider and reflect upon the subject matter upon which we are called to vote, and without an opportunity to investigate, for the reason that these men propose to inflict a terrible calamity upon the country if we take the time essential for an intelligent opinion upon this subject. They say to us "unless you legislate by 12 o'clock Saturday night we will involve the country in a calamity. We will not give you an opportunity, which is ordinarily exercised by independent legislators, to determine whether or not we are right. We determine that, and you will legislate or we will inflict this calamity upon the country."

You may say that that is not a threat. I regard it as a threat and I regard that the legislature of this great country sitting here is not legislating according to its own will and according to its own judgment, but by reason of and because of dictation outside of this Chamber. We are not passing legislation of which we have made investigation. We are even told here we can not amend the bill, because it will not meet with their approval; we are mere automatons; we are mere registrars of decrees formulated by others!

Mr. CUMMINS. The Senator from Idaho—

Mr. REED. Mr. President, I desire to make a parliamentary inquiry.

The PRESIDENT pro tempore. Will the Senator from Iowa kindly suspend until the Senator from Missouri—

Mr. CUMMINS. I desire first to answer the Senator from Idaho.

The PRESIDENT pro tempore. The Senator from Missouri has a right to submit a parliamentary inquiry, and that is the purpose for which he has risen.

Mr. CUMMINS. Precisely.

Mr. REED. I do not make this inquiry for the purpose of having any ruling enforced against the Senator from Iowa, but I desire to inquire of the Chair if at present the rule is in effect that when a Senator permits himself to be interrupted for a speech he thereby loses the floor. I do not desire to enforce it against the Senator from Iowa, but if that rule still exists I shall ask that it be enforced hereafter.

The PRESIDENT pro tempore. The Chair is very glad the Senator from Missouri submitted the inquiry. The present occupant of the chair understands that that is not a question which the Chair can decide. The question whether or not a Senator has forfeited the floor by an interruption is for the Senate to decide. It was settled on a ye-and-nay vote of the Senate that the Chair can not interfere as to the time and character of the interruption a Senator will submit to.

Mr. CUMMINS. Mr. President, I yielded to the Senator from Idaho for a question. I did not anticipate the injection into the argument I was making of the view which he has expressed. I do not share that view. I do not believe that the brotherhoods of trainmen are attempting to coerce the Congress of the United States. I am not attempting to defend them in their declaration for a strike. That is their business and they must take the consequences of their action. I think they ought to have postponed the strike until the questions at issue between them and the railway companies could have been fairly and impartially examined. They chose not to do so; and the responsibility for their action lies with them and with the men whom they represent; but they have not asked Congress for legislation; they have not attempted to direct the course of legislation in Congress, if I understand the manner in which the whole subject was developed. I was about to state that when interrupted by the Senator from Idaho.

The President called both parties to the dispute before him. Concerning the wisdom of doing so, I have nothing whatsoever to say; I leave it to his friends upon the other side of the Chamber to eulogize what they believe to be his courage, which, however, may admit of differing opinions. Nevertheless, after examining the dispute he finally made a proposal to the brotherhoods and to the railways. The brotherhoods accepted his proposal. I will not now examine into its merits. The railways rejected his proposal. Thereupon, so far as mediation was concerned, the usefulness of the President of the United States was at an end; and the brotherhoods, wisely or unwisely—I think unwisely—ordered a strike. I am frank to say that I believe in sending to the country the call for a strike among 400,000 employees of the railroads, upon whom we depend just as essentially as we depend upon the atmosphere that we breathe, they have inflicted the severest blow that has ever been laid upon organized labor, as well as the severest blow that could be possibly inflicted upon the innocent people who must bear the consequences of this interruption of commerce. [Manifestations of applause in the galleries.] However, I am not here to review their discretion in this respect, nor do I believe that this legislation should be measured or weighed or analyzed in the light of their discretion or indiscretion in ordering or in concluding that the railway trainmen of the United States shall strike on the 4th day of September.

What then? The President, having failed of mediation, came to Congress. I am not intending to criticize him for a moment for coming to Congress; I am not even going to pause to suggest how he came to Congress; but I am assuming that he came in a perfectly proper way, and, so far as I am concerned, I think he ought to have come to Congress at that time. He recommended a program of legislation which was perfectly understandable by all intelligent men.

The first element in that program was the proposal which he had made to the men and to the railways, which the men had accepted, but which the railways had refused. The second element in that program, and the only other one that I need to consider, was an amendment to our law to take away for a period the right of organized men to strike in concert and by prearrangement. These were the two essentially important things recommended by the President to Congress, and we are considering these things not at the demand of either the union men in the train service of the United States or at the demand of the railways of the United States, but we are considering these things at the demand or under the recommendation of the President of the United States.

The President may have been courageous—and I have no inclination to withdraw from the eminent gentleman who occupies the office of Chief Executive of the Nation any credit for courage or wisdom—but when we are remembering or recalling the beautiful tones of the Senator from Nevada [Mr. NEWLANDS] as he uttered his eulogy upon his chief it must also be remembered that one of the propositions of the President pleased

the brotherhood men; the other proposition pleased the railways; and there was here—possibly properly so—a fair, even balance in the distribution of his favor. But when this was done—when the Committee on Interstate Commerce of the Senate met—these four chiefs appeared before us, not upon their own suggestion but upon our invitation, just as the railway companies appeared upon our invitation and a somewhat meager representation of that vague and indefinite body known as the public appeared before us.

The four brotherhood chiefs stated, without any reluctance, without any hesitation, with the utmost candor, that there was just one way in which the strike which had been called for the morning of September 4 could be averted. It was that they send to their subordinates, the heads of the various unions throughout the country, a message in these terms: "Satisfactory conclusion reached." They declared that if the bill which represented the proposal of the President, and which they had theretofore accepted, and which the railways had refused, was enacted into law they could send that telegram; otherwise they could not and would not. Now, criticize them if you will. I am not entering upon that phase of the matter; but those on the other side who believe that we ought to pass this bill in order to avert a strike, who believe that we ought to pass it because it is satisfactory to the union men, and that upon its passage the telegram which I have mentioned will be sent and the strike averted, had better pause and inquire whether, if the amendment which is proposed by the Senator from Alabama [Mr. UNDERWOOD] is added to the bill, that telegram will be sent.

I do not represent them; I have no authority to speak for them, although possibly I have a better opportunity to know how they feel about the amendment than some Senators; but it is my judgment that, if their right to collective bargaining is ever taken away by clothing the Interstate Commerce Commission with the authority to fix their wages and their hours of labor, they will not send the telegram. I am just stating these things to those who are intending to vote for this bill, and who are intending to vote for it for no other reason than that it will avert the strike. It seems to me that they ought to know, if that is the ground upon which they are proceeding, that when they pass the bill the object will be accomplished.

Mr. President, I am opposed to the amendment without any regard to the effect it might have upon the strike. I am opposed to it because, if adopted, in my judgment it marks the end of our experiment of regulating commerce among the States. It will deprive the 1,800,000 men who are operating our railways in all the various capacities in which men work of the right to bargain and contract; it will take away from all the unions into which railway men are organized the privilege, which they have won through long years of contest, of collective bargaining.

Collective bargaining, Mr. President, is the chief characteristic of the labor union. It is the purpose for which the labor union is organized, the best and the noblest purpose, at least, for which the labor union is organized. It is intended that through collective bargaining there may be produced some equality of condition and situation when they come to contract, to deal with their employer. But it will also take away from the railway companies all their independence, and it will leave them with the power to destroy, if you please, but not the power to protect. It will leave them irresponsible in their management. If the Interstate Commerce Commission fixes rates of wages, hours of labor, the salaries of officers of the corporation, of the agents of the corporation, of the attorneys for the corporation—and, of course, if it fixes the conditions of service of one class of employees it ought to fix the wages or salary of all—then, the commission must be clothed eventually with the power to fix the price of the steel which the railways buy, the ties with which they must build the roads, the coaches and locomotives in which they transact their business; and what is left?

The next step is, of course, that the Government, having undertaken to fix everything which the railway company does, must also guarantee the interest upon its bonds and dividends upon its stock. The end of it is, Senators, Government ownership and operation or the effect of such ownership and operation under the most unfavorable and most unsatisfactory conditions.

If we are compelled, in order to do justice among the people of the United States, to take away from all those who have occasion to contract or deal with the common carriers of this country their right to contract, then it is infinitely better for us at once to acquire the railroads and operate them under our own sovereignty and under our own direction. When we accomplish what I have just described, the officers of the railway

companies, their general managers, and their superintendents will simply be United States officers, nothing more and nothing less. They will be officers without any sanction as to the performance of their duties and without any sense of responsibility to those who nominally and technically employ them.

I have thought of the matter deeply, and I can not give my assent to this method of fixing wages and salaries and other expenses of railway companies; for, if I must reach the conclusion that the regulation of the Government ought to extend to these things, then I am not for clothing the Interstate Commerce Commission with the power to fix all these relations; but I am for the acquisition of the railways and for their operation directly through officers of the Nation.

Mr. President, while I am on my feet I intend to say what I have to say with regard to the bill itself. I think I was never more conscious of profound regret than I am at this time because of my inability to join with my brother Senators in accomplishing what they believe and what I believe to be a worthy object. I want to avert the strike. No one can overestimate the consequences of the strike. It is impossible to paint the picture in colors that are too lurid to reveal the truth; but it is utterly impossible for me, having some regard to my conscience and my oath to support the Constitution and my views respecting the outcome of legislation of this character, to give it my assent, and very briefly I intend to submit my reasons for the judgment I have formed.

The bill in its title is, of course, not only misleading but positively false. The title of the bill reads in this way:

To establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes.

It does not establish an eight-hour day. It has no tendency to establish an eight-hour day. Instead of having a tendency to shorten the hours of labor, its tendency is to lengthen the hours of labor.

Let us see:

That beginning January 1, 1917, eight hours shall, in contracts for labor and service, be deemed a day's work and the measure or standard of a day's work for the purpose of reckoning the compensation for services of all employees.

If the view of the union men had been preserved, namely, if some penalty had been imposed by way of increased compensation for overtime, the bill, if passed, might have resulted in some shortening of the hours of labor. But the chief motive that would lead the railway companies to abbreviate the hours of labor is eliminated from the bill. Employees are paid for the hours which they labor, no matter whether 8 or 16, pro rata; and it is rather for the interest of the railway companies under this bill to work their men 16 hours every day than otherwise. It was agreed, upon the hearing before the Senate committee, that if this bill were passed the economical thing for the railroad companies to do would be to continue to work their men 10, 11, 12, 13, 14, 15, or 16 hours, sometimes more, rather than to readjust their railway facilities so that the men could complete their runs in 8 hours.

Mr. HUGHES. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. CUMMINS. I yield to the Senator.

Mr. HUGHES. I have read the hearings, but, of course, I was not at the hearings. As I say, I read them. It seemed to me that what the Senator has just stated was claimed by one of the presidents, but was not, from anything I saw, admitted by the representatives of the brotherhoods. It seems to me, from what little I know of railroading, that it does not necessarily follow that it would be to the interest, and in fact I am satisfied that in a great many cases it would not be to the interest, of the railroads to continue to work the men 10 hours and pay them overtime even at a pro rata rate. It would be rather to their interest to complete a run, so far as they can, in eight hours. It seemed to me the Senator was overstating it.

Mr. CUMMINS. No; the representatives of the brotherhoods made no statement with regard to the point which I am just discussing, but Mr. Elisha Lee and Mr. Sheean, both representing the committee of conference of general managers of the railways, stated, and no one contradicted it, that upon a survey of the whole situation the railway companies could work their men overtime more economically than they could readjust their division stations and other facilities so that they could conclude their runs within eight hours or within some approximate time.

Mr. HUGHES. As I read that statement it seemed to me that it was part of an advocate's claim rather than an admission of a fact. They were making the point that there was no disposition on the part of the brotherhoods to establish an eight-hour day, but that they were seeking to obtain 10 hours'

pay for 8 hours' labor, and that by reason of what we were doing they would succeed; but I do not know of anything in the testimony on the part of the brotherhood men that would seem to admit that claim.

Mr. CUMMINS. Oh, Mr. President, the brotherhood men have nothing to do with it. The brotherhood men can not determine whether they are to be used overtime or not. They have no will or authority in this matter. If their employers desire that they shall run 12 or 14 hours, they must remain on their trains until their duties are concluded.

But it is not necessary that we shall be able to reduce the statement I have made to mathematical certainty, for it is just good, common, ordinary sense to know that when men receive no more for the hour between 8 and 9 than they receive for the hour between 1 and 2, there is no sufficient motive upon the part of the railway companies to reduce or shorten their hours. I am not suggesting that the brotherhood men do not desire to shorten their hours. I think they do. While they understand perfectly that an eight-hour working day is impossible in the operation of railways as they are now situated, I think they sincerely desire to shorten their hours and ultimately reach an eight-hour day. It was for that reason that in their proposal to the conference committee of general managers they insisted upon time and a half for overtime.

If some such provision as that were in the law—I do not say whether it would be just or unjust—then there would be a tendency to shorten the hours and limit them within those hours beyond which overtime lay, for the railway companies would know that they must pay time and a half for every minute beyond the allotted time.

Mr. HUGHES. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. CUMMINS. I yield for a question only.

Mr. HUGHES. Does the Senator think it is within our power to say that for every hour over eight the railroads shall be compelled to pay one and a half times the rate for the hours up to eight?

Mr. CUMMINS. I do not; at least, I doubt it very much—

Mr. HUGHES. I agree with the Senator about that.

Mr. CUMMINS. Just as I doubt very much our power to say what we have said. I think we are passing far beyond our constitutional authority when we say what we have said in the bill.

I suggest to Senators also that so far as the first section of this bill is concerned, there is no value whatsoever in it to the men who labor upon these trains. What avails it to establish an eight-hour working day as a basis for compensation? Nothing. It does not shorten hours, and it does not assure fair and reasonable compensation; for if you were to assume that the men were paid but 1 cent an hour, what good would it do to pay them overtime between 8 hours and 11 or 12, as the case might be? In order to accomplish anything for the men another step must be taken, and the rate of compensation must be ascertained and fixed. Therefore, the first section of this bill is a bald, glittering generality. It accomplishes nothing. It is the brassiest gold brick that was ever tendered the people of the United States or the men who are directly interested in railway operation.

Mr. BRANDEGEE. Mr. President, would it interrupt the Senator if I asked him a question?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Connecticut?

Mr. CUMMINS. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I wanted to ask the Senator what there is about the bill, in his opinion, that would induce the men to call off the strike if it were passed?

Mr. CUMMINS. The Senator from Connecticut knows these men. I suggest that he ask them. I would not venture to express their view of it.

Mr. BRANDEGEE. I met the gentlemen at the hearing before the committee yesterday, some of them for the first time; and inasmuch as the Senator had stated quite positively that they would call off the strike if this bill were passed, I thought he might be able to tell us why.

Mr. CUMMINS. The Senator from Connecticut heard that statement just as clearly as I did. I do not ask the Senator from Connecticut to accept it on my responsibility. He was a member of the committee, and he heard it.

Mr. BRANDEGEE. I heard the statement of the men; but, on the Senator's diagnosis of the bill as being a brassy gold brick, I was interested to know what induced the men to accept it and call off the strike.

Mr. CUMMINS. I will presently tell the Senator what I think there is in it that gives the men something.

I will reach that in a moment, and I shall be very glad to give the Senator from Connecticut all the information I have upon that subject. It is all a process of reasoning. I do not know anything more about it than does the Senator from Connecticut.

Mr. BRANDEGEE. Then I do not think I will get much information.

Mr. CUMMINS. The Senator from Connecticut evidently thinks that the passage of this law establishes an eight-hour day for these men. I do not.

Mr. BRANDEGEE. Neither do I.

Mr. CUMMINS. I next ask the attention of the Senate for just a moment to a consideration of what the commission is to investigate. The language of the bill is:

That the President shall appoint a commission of three, which shall observe the operation and effects of the institution of the eight-hour standard workday, as above defined, and the facts and conditions affecting the relations between such common carriers and employees during a period of not less than six months nor more than nine months.

Mr. President, all that that means, all that it can mean, all that the commission can ascertain, all that it is charged with the duty of ascertaining, is how much it costs the railway companies to pay the overtime provided in this bill during the period of six months or nine months, as the case may be.

To me, the suggestion that a commission ought to be appointed to labor for six months in order to ascertain what it costs the railway companies to pay upon a basis of eight hours instead of upon a basis of ten hours is little less than ludicrous, for one good accountant in the office of each railway company could ascertain those facts and report them either to the President or to the Interstate Commerce Commission just as faithfully and as perfectly as a commission.

Mr. VARDAMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield to the Senator.

Mr. VARDAMAN. The Senator from Iowa is a great lawyer, profoundly learned in the law and the science of government, and of long experience in this body, and of course he recognizes the gravity of the situation which confronts the American people at this time. No man in this body is more capable of grasping great questions and comprehending the scope of national issues than he. Has the Senator any suggestion to make? I grant that this proposed legislation may not be perfect. Really, nothing short of omniscience could bring forth a perfect piece of legislation as suddenly as this has been produced. I have so much confidence in the intelligence and the patriotism of the Senator from Iowa; and I should like to have him, if he can do so, give us some better plan by which we may avert this disaster.

Mr. CUMMINS. Mr. President, I am not insensible to the compliment which has just been paid me by the Senator from Mississippi, and I am sure it is as sincere upon his part as it is delightful upon mine.

Mr. VARDAMAN. The Senator deserves everything that I have said and more, and I am sure he will prove that by answering my question.

Mr. CUMMINS. I made a proposal to the Committee on Interstate Commerce last night; and I shall disclose no more than the mere fact that I did make a proposal, for I would not want the Senator from Mississippi or the Senate to believe that I am entirely barren in this prolific field. How many votes does the Senator from Mississippi think I got for it?

Mr. VARDAMAN. I have no idea.

Mr. CUMMINS. Of course, the Senator from Mississippi has no knowledge on that point; and it is with a very profound humiliation that I now disclose that out of the entire membership of the committee—that is, all the membership then present—not one single member approved the suggestion that I made. I may say, as I think we all ought now to be perfectly frank, that I was the only Republican member present at that time. Inasmuch as my proposal was not in harmony with the suggestion of the President, it received no encouragement from my friends in whom I have the greatest confidence, and whose general zeal for the public welfare, I readily grant, is as great as my own. Does the Senator from Mississippi think that under those circumstances I should bring forward into the Senate of the United States, to a dominant majority like this, held together in bonds not only of affection and tradition, but of fidelity and loyalty, the plan which was so received? No; I do not.

Mr. VARDAMAN. May I ask the Senator, then, what is the purpose of the Senator in speaking? If the Senator has a plan

which would solve the difficulty, probably if the seed were sown in different soil the result might be different. He had a small committee there of a few Senators. Let us have it here in the Senate, and the able Senator might have better luck with his plan.

Mr. CUMMINS. I am speaking with the vain hope that I may convince the Senators here that the bill which we are now considering ought not to be passed.

Mr. VARDAMAN. Does the Senator think we can do nothing?

Mr. CUMMINS. I think it ought not to be passed. I intend to vote against it, and I am trying to give my reasons for it.

Mr. VARDAMAN. Does the Senator think we should do nothing to avert this disaster, but just remain here in a state of stupid inaction and make no effort to avert it? I should like to have the Senator's opinion about this; and I want to tell the Senator I would just as soon have an idea, principle, or policy that would solve this question from him as from the President of the United States or one of my Democratic colleagues. The idea, the policy, the measure, and not the man, is the thing that I am interested in just now.

Mr. CUMMINS. The Senator from Mississippi gives me great encouragement, and before I have finished I intend to put before him, knowing his friendly mood, at least his receptive attitude, the proposal that I laid before the Committee on Interstate Commerce last night, and I really hope that I may have one follower in this desert land.

Mr. VARDAMAN. I want the Senator to understand that I do not commit myself to his policy in advance.

Mr. CUMMINS. That is a very wise precaution. No man dare—I withhold that—I almost said that in these days no man dare pledge himself to follow the lines of reason and logic, but I know that is not true of the Senator from Mississippi.

Mr. President, I now come to the only part of this bill which is not sham and pretense, and I use those words without any offense whatsoever. There is a part of the bill that does something, and possibly if the Senator from Connecticut [Mr. BRANDEGEE] is now listening to me he will understand why the men who are involved find themselves able to favor it. Section 3 of the bill provides:

That pending the report of the commission herein provided for and for a period of 30 days thereafter the compensation of railway employees subject to this act for a standard eight-hour workday shall not be reduced below the present standard day's wage, and for all necessary time in excess of eight hours such employees shall be paid at a rate not less than the pro rata rate for such standard eight-hour workday.

As I remarked, we are not adopting an eight-hour day for the safety, for the benefit, for the health, for the development of the working man. I am for an eight-hour day's work. I believe that, as the President said, it is the civilized sense of mankind that in the great majority of employments men ought not to be required to work more than eight hours.

This bill does nothing of that sort, and it has no tendency to accomplish anything of that kind, but it does say in just so many words that the trainmen—I will not pause to inquire who are trainmen—but the trainmen of the United States shall receive, until this commission reports, wages for eight hours' work which they have heretofore been receiving for 10 hours' work. This legislation simply advances for this short period the compensation or wages of certain trainmen in the country. That is all that it accomplishes. I am not sure that it will accomplish it either, because, although there are heavy penalties laid upon railway companies if they do not make the payments that are here required, I see by to-night's paper that the astute counsel of these great corporations have already decided that that part of the law, if passed, is unconstitutional, and at least some of them will not obey it, and if they do not obey it falls to the ground so far as the railway men are concerned. But I am assuming that they will obey it and will pay these trainmen for overtime above eight hours, and that their compensation will in that way be raised from 15 to 25 per cent during the period of 11 or 12 months that this situation is to exist.

I do not know whether they ought to be paid more than they are now being paid or not. I should like to know whether the members of the Senate are informed on that point. How many Senators have examined the subject sufficiently to know whether the trainmen of the United States are suffering any greater injustice on account of compensation than all other employees of the railway companies of the country? I do not know and there is not a Senator here knows. There is not a Senator here who knows how much the trainmen are now receiving. You may know of an isolated instance; but let me tell you a most remarkable thing. The Committee on Interstate Commerce sat yesterday from 9 o'clock in the morning with scarcely an interruption until half past 7 in the evening and we heard nine hours

or more of uninterrupted discussion and argument and statements, and from the beginning of that hearing to the end of it no man who appeared before us, whether he represented a brotherhood, whether he represented the railways, or whether he represented the shippers, or whether he represented the public, even suggested what these men are now receiving as compensation.

The committee which reported this bill—I am not now speaking of the House, of course; I do not know how much information the committee of the House had upon this subject, but the committee which reported the bill in the Senate had no information of any kind respecting the present compensation of these men. I am quite ready to believe that it is not all that it should be. That inference, however, is simply one which I deduce from the general wage situation of the United States.

I have been in the habit of believing that there are a great many workmen in the United States who are not receiving what they ought to get, but how can I vote to increase during a period of 11 months the wages of these men and do it by mere legislative enactment without any inquiry, without any information? How can I vote to increase their compensation during this time in the amount which this bill proposes? I for one find it utterly impossible.

Mr. GALLINGER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I yield.

Mr. GALLINGER. I will ask my friend, the Senator from Iowa, if the information that he says he did not obtain and he feels sure none of us is in possession of might not have been ascertained by asking a question of those men.

Mr. CUMMINS. No; it could not, Mr. President, in my judgment, because that information would be scattered over records so vast that it would be impossible for anyone to have carried their contents in his mind. All that any man could have said would have been the aggregate paid to these employees. That was stated. The aggregate compensation paid to these employees was stated. The aggregate compensation paid to all other railway employees was stated. The aggregate compensation paid to the officers and office force of the railway companies was stated; but I do not know how much the engineers, the firemen, the conductors, the brakemen, and any others who are affected by this measure are receiving at this time. They are not receiving the same in Pennsylvania that they receive in Iowa. They are not receiving the same in Arizona that they receive in Maine. There is no uniformity in compensation. There is not even uniformity in standards. Whoever composed this bill I think overlooked the fact that the standards of compensation vary upon different railroads and in different parts of the country. It provides—

That pending the report of the commission herein provided for and for a period of 30 days thereafter the compensation of railway employees subject to this act for a standard eight-hour workday shall not be reduced below the present standard day's wage.

There is no standard day's wage. There is a rule applicable over certain territory with certain railroads for the ascertainment of the wages of these employees, especially if they be engineers, conductors, and brakemen, who are compensated according to the distance run and the time involved in running it.

Mr. CHILTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I yield to the Senator.

Mr. CHILTON. I think W. S. Carter, who is the head of one of the brotherhoods, appeared before your committee.

Mr. CUMMINS. He is the head of one of the brotherhoods.

Mr. CHILTON. Did he not give a statement of the rates of wages per hour in the different employments in the United States?

Mr. CUMMINS. I did not hear it if he did.

Mr. CHILTON. I notice on page 127 of the hearings before your committee a statement from him was produced before the committee giving the rates of wages per hour in the different employments.

Mr. CUMMINS. Mr. President, that is true.

Mr. CHILTON. I had not finished.

Mr. CUMMINS. The Senator must make it a question, if he will.

Mr. CHILTON. I find on that same page he compares the wages of trainmen with the wages of workmen and shows that they are about one-half the standard per hour engaged not in so hazardous employments as that of firemen and engineers. He gives that statement at page 127.

Mr. CUMMINS. The Senator from West Virginia is wrong. Mr. Carter delivered a table which had some time been written

and published and was printed as one of the exhibits to his testimony, but there is nowhere in it, as I remember, information with regard to what the wages of these men are throughout all portions of the United States. There is a comparison between certain men and certain other men, but the Senator from West Virginia knows that there was no attempt to indicate how much a brakeman in West Virginia was getting. If the Senator from West Virginia knows, I should like to know how much a brakeman from Grafton to Wheeling makes in a month.

Mr. CHILTON. The Senator from West Virginia does not undertake to give any information at all; he is not on the committee; but the Senator from Iowa made a pretty broad statement that there was nothing from which a judgment could be derived. This is the report of the committee of which he is a member, and it has been printed, and it is a correct statement of the wage per hour received by people engaged in different employments.

Mr. CUMMINS. I can not yield for an argument; I yield for a question only. I say that is not the testimony to which I referred, but it is a statement published long ago, and I have no doubt it is accurate; I have no reason to doubt it. My statement should have been qualified.

Mr. THOMPSON. Will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. CUMMINS. I yield.

Mr. CHILTON. Let me finish the statement.

Mr. CUMMINS. The Senator from West Virginia desires a word.

Mr. CHILTON. I do not intend to allow the Senator from Iowa to misconstrue what I said, and I want to hasten to say to him I did not accuse him of making a misstatement. I simply said in the haste he had not read the evidence from his own committee, that was all. I know the Senator is honorable and that he would not make a misstatement, but certainly he is not sticking to the record. I do not make any criticism of him for not having read it, but still it is contained in the report, and I have read it.

Mr. THOMPSON. Mr. President—

Mr. CUMMINS. Just a moment, until I answer the Senator from West Virginia. It was put in the record. I do not doubt its accuracy, nor is anything it contains in conflict with the statement which I made, as I understand the statement. I now yield to the Senator from Kansas.

Mr. THOMPSON. The Senator from Iowa will remember that there is no general complaint of the wages per day, but there is complaint by the employees as to the length of the day. They desire an 8-hour day instead of a 10-hour day. That is their principal contention in this controversy.

Mr. CUMMINS. I was about to state that.

Mr. THOMPSON. I can give the Senator from Iowa the wages over the country if he cares to have them, which I have received from trainmen. There is an established schedule.

Mr. CUMMINS. Yes; I have received very many of those statements, too. I do not care to have the Senator interject those now; but I want to say to the Senator from Kansas that I agree with him. I have no patience with this criticism of the men of the union that all they desire is an increase of wages. I know it is not true. I know that they desire that their hours shall be shortened, and I would like to do something to shorten their hours instead of doing something to lengthen them.

Mr. THOMPSON. They desire eight hours for a day's pay, and then pay for overtime if they are required to work overtime.

Mr. CUMMINS. There is no effective way of shortening the hours unless the railroads are penalized for working them overtime.

Mr. REED. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield.

Mr. REED. If the railroads were required to pay time and a half for all overtime, that would be, in the opinion of the Senator, a penalty?

Mr. CUMMINS. It would be a penalty, but I am not prepared to say that is a proper penalty.

Mr. REED. Very well; it would be a penalty. If they are required to pay two-thirds of this amount for working overtime, is not that two-thirds the same penalty?

Mr. CUMMINS. No; it is not a penalty at all.

Mr. REED. If a man has worked anywhere from 8 to 16 hours and gets \$5 for the entire time, and we change the scale of wage so that if he works 8 hours he gets his \$5, and if you

make him work 16 hours he gets the rate of pay for each additional hour that he would receive for the 8 hours, so that he would get for the 16 hours something like \$15 instead of getting \$5, as he does under the present system, how can the Senator say that is not a penalty upon the roads—that it does not increase the pay that much?

Mr. CUMMINS. Possibly the Senator from Missouri and myself do not use the word "penalty" in the same sense. The employee will get more money—

Mr. REED. The roads will have to pay that much more.

Mr. CUMMINS. If paid for overtime on an 8-hour basis, then he would get more than if paid for overtime on a 10-hour basis.

Mr. REED. Yes; of course he will, and the roads complain that it will cost them many millions of dollars.

Is it not true that that many millions of dollars is in the nature of a financial penalty visited upon the roads for working the men overtime, and to that extent an inducement for the roads to try and complete the day's work within the eight hours?

Mr. CUMMINS. I coupled up the statement I made with the remarks some time ago that the railway companies said, and they produced their figures, as they always do, to prove their conclusions, that instead of trying to shorten the hours in which the men should work, it would be more economical for them to pay the overtime than it would for them to change their facilities so that they could make their runs within the time.

Mr. REED. Has some railroad president said that?

Mr. CUMMINS. No.

Mr. REED. Or has some manager said that? Does the Senator believe that?

Mr. CUMMINS. I believe it is partially true.

Mr. REED. Partially true, but also partially untrue.

Mr. CUMMINS. I do not know to what extent it is true or untrue. I can well understand, and the Senator from Missouri can understand, that it will be a very considerable expense to the railway companies to shorten their runs so that they can all be made in eight hours. If the basis be 12½ miles per hour, the run then must be not more than a hundred miles in length, and the division stations must be changed; their passing facilities must be reconstructed. I accept, with some reliance, the view of the statisticians that they would pay the overtime rather than reconstruct the business and their facilities.

Mr. REED. If the Senator will pardon me one more question—he has been very kind about yielding—is it not true that, according to the standards fixed, a hundred-mile run is now regarded as a day's work, and that the great majority of the runs are arranged on the hundred-mile basis?

Mr. CUMMINS. No; not in the sense in which the Senator from Missouri means it. A hundred miles at 10 miles an hour is now the basis for compensation for overtime; but the actual run is more than a hundred miles, even though made at a speed of 10 miles an hour.

Mr. REED. It is more than a hundred miles in some instances, but not in all instances.

Mr. CUMMINS. I think in the western country the average run is over 120 miles; there is no uniformity about that. In my own State, for instance, the average run is nearly 150 miles for most of the freight trains; but the basis of compensation at this time has nothing whatever to do with the actual distance run. The railroads take a hundred miles and 10 hours as a basis, and for the man to earn his day's pay the run must be 10 hours or less or a hundred miles or less. He gets pay accordingly. What the men want is a basis of twelve and a half miles per hour and eight hours or less.

Mr. REED. If the Senator will pardon me another question, is not the Senator of the opinion that the public has a right to insist, in these days of rapid transportation, that freight shall be moved at least twelve and a half miles an hour, which is about three times as fast as an ordinary able-bodied man can walk?

Mr. CUMMINS. I rather think so; but I am not qualified to judge of that. The Senator from Missouri must recollect this is not running time. The time begins when the man is called from his bed in the morning, or at least when he reports.

The time occupied in starting, the time occupied on the sidings, the time occupied in all the delays that are incident to railway operation is included.

Mr. REED. I understand; but the fact remains that the railroads of this country have been very much in the habit of moving freight very slowly, and that the public has suffered thereby. If they had a little stimulus to move those trains along at least at the rate of twelve and a half miles an hour, would not that be a good thing for the shipping public?

Mr. CUMMINS. I quite agree with the Senator from Missouri, although I am not prepared to say that trains under all circumstances could be moved at the average rate of 12½ miles an hour. Anything that will increase the speed, within the bounds of safety, ought to be encouraged. But, now, mark: I agree that these men will get an advantage for the next 11 months; they will get more pay than they are now getting. The railroads estimate that they will get \$61,000,000 more pay in a year under this bill, while the men themselves estimate that they will get from \$20,000,000 to \$30,000,000 more pay in a year than they are now getting. Now, I should like to see everybody rich and everybody get all the money that he wants; but I am not prepared to vote to increase the pay of these men without investigation or information for either 11 months or for any other period. I had much rather leave these men with their natural powers of bargaining, their collective power of dealing with the railway companies. They have advanced from comparative slavery to their present high estate—

Mr. REED rose.

Mr. CUMMINS. I beg the Senator's pardon. I hope he will not interrupt me again just at this moment.

They have advanced from a state of comparative servitude to their present high condition because they have organized themselves and have dealt like men with their employers and upon equal terms. I, for one, do not want by my vote to take away from them, or to begin the course that will take away from them, that only weapon which will at the same time make free men of them and give them adequate compensation.

Now, let us see what will happen at the end of 12 months. At the end of that time the commission will have reported. As I said a few moments ago, while its powers are rather vague, I do not believe that it can do much more than report the expense to the railway companies of this increase that we grant in the bill.

What then? The very moment they report, the force of the law which I am now considering is at an end; the railway companies are no longer obliged to pay them according to the present standard of compensation. Let us assume that the recommendation of the commission will be against the eight-hour working day as a basis for computing compensation with the present standard of wages; let us suppose the commission is against it; and it may be very fairly assumed that it will be if we are to believe—and I have great sympathy with it—a statement made yesterday, that it is very hard, it is very difficult, indeed, to secure an impartial commission to determine what shall be paid by a railway company to its employees. You must take the commission either from those who are interested in the employees or on that side of the controversy, or upon the other side of the controversy; and it has been the experience of the past that usually the deciding voice of any such commission was from that element in society which had little sympathy with the advance in the rate of wages.

Suppose that the decision is against the increased wages, what then? What will the men do? Will they surrender what they have been receiving for a year or a half year, and continue to work under the old conditions, under the old wages, or will they strike? What do you think they will do? The Senator from North Carolina [Mr. SIMMONS] said this afternoon that in the meantime we might prepare some legislation. What legislation? I challenge any Senator here to instance the kind of legislation which is to take care of that emergency. Is it legislation which is to deprive the union men of the country from quitting work in a body? Who on the other side of the Chamber suggests that sort of legislation?

Mr. UNDERWOOD. Mr. President, will the Senator yield, inasmuch as he has offered a challenge?

Mr. CUMMINS. I yield to the Senator.

Mr. UNDERWOOD. I desire to say that, so far as I am individually concerned, I have sent to the desk proposed legislation which, in my opinion, meets the question.

Mr. CUMMINS. Precisely.

Mr. UNDERWOOD. I do not know what anybody else would do.

Mr. CUMMINS. I know; that is precisely it. I was coming to that. I assume that you do not propose at this time that after the commission which we are now to appoint has decided that the increased wages ought to be paid no longer, or, at least, are not justified, you are not intending—and I hope some Senator will correct me if I am wrong—to pass a law which shall forbid the union men from striking. If you are not, then what is the remedy to be applied at the end of the six months? The Senator from Alabama has a remedy, and he is the only man here who has had the courage and the independence to propose any such remedy. He takes the railroads entirely out of the hands of the owners and of the operators and gives to the Inter-

state Commerce Commission the authority to fix the hours of labor and the compensation for labor. I have said all that I care to say with regard to that amendment to this proposed law or to any law. I am unalterably opposed to it. I think that it will destroy every valuable thing which we have created in the last quarter of a century respecting the government of these instrumentalities, so that, as the Senator from Alabama has said, if you dismiss his amendment, at the end of 11 months you will have just the same situation that you have now. You will have men who have enjoyed for a little period increased wages, and then chaos. Do you think that the railway companies will continue to pay the increased wages? They will not do it now, and why should they do it then? They have resisted the demand now to the point of an utter annihilation of commerce. Have you any reason to believe that they will do it at the end of six months? No. With the best of feeling in the world I say to those who have proposed this measure that you are keeping the promise to the ear and you are breaking it to the hope; you are striking not only at the integrity of organized labor but you are destroying the independence of industry; and if we can not find any other solution of the difficult problem we had better far suffer the catastrophe which seemed so imminent a few days ago.

I do not intend to forget my promise to the Senator from Mississippi. If I could write just at this time the measure which ought to be passed, it would be directed wholly to the present emergency; it would be entirely a temporary measure. I would create a commission authorized to examine this subject, to examine the exact dispute between the union of railway men and the railway companies; and I would suspend during the examination the privilege of striking in concert. You now have the solution that I would propose for this difficulty. In connection with that it ought to be said that I am not in favor, however, as a permanent law, of taking away from union labor the right to strike in concert, unless there is substituted for that right under these grave contingencies and impending catastrophes a tribunal in whose justice I would have profound confidence.

Mr. VARDAMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I am about to yield the floor. It is not the work of a moment or the work of a week to pass legislation of that character.

Mr. VARDAMAN. Mr. President, I want to ask the Senator a question before he takes his seat. It seems to me that this proposed measure is only temporary. Now, if it serves to bridge the chasm, the Congress will meet again in December before any harm could possibly result from its enactment, and whatever defects there may be found to exist in this measure Congress could then supply them.

Mr. CUMMINS. I think so—

Mr. VARDAMAN. The Senator will remember that on yesterday I suggested that an effort be made on the part of Congress to induce the brotherhoods or the leaders to postpone the strike in order that time might be given for the consideration of this great question. I am opposed to this sort of hasty legislation, just as the Senator is, but I think that if this measure is passed it will be acceptable to the employees of the railroads, and no harm can possibly result to the railroads. It will, as I have said, bridge the chasm, and possibly enable Congress to deal intelligently with this question, and save the country the disaster that would follow a strike at this time.

Mr. CUMMINS. Of course the only difference between the Senator from Mississippi and myself is that he asks for the delay, and I would take it; but I am moved by the suggestion just made to another suggestion. He says no harm comes from this. Is that true? If these men are justly entitled to the compensation which is given to them, then those who pay the freight rates ought willingly and cheerfully to advance the freight rates, if that be necessary, in order to bear the increased burden which is put upon the railways; but I am not so convinced of the justice of advancing for this period the compensation of these men in contradistinction to the compensation of any other men, knowing that the President of the United States intends that the Interstate Commerce Commission shall add this additional expense to the freight rates of the country. The Senator from Nevada [Mr. NEWLANDS] was quite right when he said that the President had courage. He had the courage to state to the Congress of the United States with perfect frankness that he desired a bill passed which would refer the report of the commission which is proposed to be created to the Interstate Commerce Commission, and that that commission should accept the findings of increased expense, if the findings were of that char-

acter, and that, then, if other revenues of the railway companies were not sufficient to absorb the additional wages, the rates of freight should be increased. I am afraid, Mr. President and Senators, that in the transfer of the expense incidental to legislation of this kind from the railways to the public they will not only be increased as they actually exist, but if the expenses are increased \$20,000,000 the rates may be increased \$40,000,000. That is the history of all such transfers as the one I have just described. It always happens that in passing the burden along there is an immense weight added to it; and I believe, Mr. President, that it is due to the great body of the people, who ultimately must pay the cost, that there should be more careful investigation and more accurate knowledge before we, by legislation, advance for a period the compensation of any given class of employees.

Mr. SHAFROTH obtained the floor.

Mr. NEWLANDS. Mr. President, will the Senator yield to me for just one moment?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. SHAFROTH. I yield to the Senator from Nevada.

Mr. NEWLANDS. I should like to see whether we can not reach an understanding regarding a time to vote to-morrow. I would suggest that we proceed to vote upon any amendment that may be pending and upon the bill itself at 3 o'clock to-morrow; that a recess be taken to-night until 10 o'clock to-morrow, and that beginning at 12 o'clock the length of speeches be confined to 20 or 30 minutes upon the bill and 5 minutes upon any amendment.

The PRESIDENT pro tempore. Has the Senator reduced his request to writing?

Mr. NEWLANDS. I have.

The PRESIDENT pro tempore. The Senator will please send it to the desk and let the Secretary read it.

The SECRETARY. The Senator from Nevada asks unanimous consent that at not later than 3 o'clock p. m. on Saturday, September 2, 1916, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 17700) to establish an eight-hour day for employees, and so forth, through the regular parliamentary stages to its final disposition, the vote upon the final passage of the bill to be taken not later than 6 o'clock p. m. on the said day; and further that after the hour of 12 o'clock noon on said day no Senator shall speak more than once nor longer than 30 minutes upon the bill nor more than once nor longer than 5 minutes upon any amendment offered thereto.

The PRESIDENT pro tempore. Is there objection?

Mr. GALLINGER. Mr. President, let me suggest to the Senator that he make the time shorter than 30 minutes.

Mr. VARDAMAN. Make it 15 minutes.

Mr. NEWLANDS. What would the Senator suggest?

Mr. GALLINGER. I would suggest 15 minutes.

Mr. NEWLANDS. I will adopt that suggestion.

Mr. KENYON. Mr. President, I should like to suggest making the limit 10 minutes after 12 o'clock. That is time enough.

Mr. LANE. Let it begin right now, Mr. President.

Mr. NEWLANDS. I will assent to that, if it is agreeable to the Senator from New Hampshire.

Mr. GALLINGER. While I do not speak in my own interest, because I probably shall not occupy 2 minutes, if I occupy 1, yet I think 15 minutes is a better period. I think it would satisfy more Senators.

Mr. VARDAMAN. Make it 15 minutes. That will do.

Mr. NEWLANDS. Very well, then. I will modify the request to that extent.

The PRESIDENT pro tempore. Is there objection to the request in its modified form?

Mr. KENYON. Mr. President, 15 minutes each would enable only 12 Senators to speak. There are a good many Senators here who would like to speak only 5 or 10 minutes. Do I understand that we begin voting at 6 o'clock?

Mr. NEWLANDS. We will commence voting at 3 o'clock.

Mr. KENYON. The arguments, however, are to cease at 3 o'clock.

Mr. GALLINGER. Except on amendments.

Mr. McCUMBER. Mr. President, I want to say to the Senator from Nevada that if he begins this limitation of debate at 12 o'clock it does seem to me he ought to extend the time until 4 o'clock and make the limit 15 minutes in order to give everyone an opportunity to speak on the bill, if he so desires.

Mr. NEWLANDS. Does that meet the approval of the Senator from New Hampshire?

Mr. GALLINGER. I think it is a very desirable suggestion to extend the time to 4 o'clock.

Mr. STONE. Mr. President, I am rather curious to know why Senators care to speak 10 or 15 minutes. What is the object of speaking? Is it merely to get a personal expression of opinion in the Record, or to influence the action of the Senate?

Mr. BORAH. Certainly not the latter.

Mr. STONE. Then, if it is the former, if it be possible, I should like some sort of leave to print and put it in the Record, so that we can get to a vote. It is absolutely nothing but a waste of time—we all know that—for Senators to get up here and consume 10 and 12 minutes in a speech that goes into the Record explaining why they are for or against this thing or the other. The best way of expressing their opinion is by a yea-and-nay vote.

The PRESIDENT pro tempore. The Chair will remind Senators that a request for unanimous consent is not debatable.

Mr. STONE. I am aware of that; but the Chair had permitted it.

The PRESIDENT pro tempore. The Chair had not. The Senator is mistaken about that. The Chair permitted suggestions about modifications of it.

Mr. STONE. I am through, however.

Mr. NEWLANDS. Mr. President—

The PRESIDENT pro tempore. In what form does the Senator submit his request for unanimous consent? How does he modify it—by inserting 10 minutes instead of 30, or 15 minutes?

Mr. NEWLANDS. Fifteen minutes after 12 o'clock.

The PRESIDENT pro tempore. All right.

Mr. WILLIAMS. What is the request? I ask to have it stated.

The PRESIDENT pro tempore. It will be read.

Mr. NEWLANDS. It is that we commence voting at 4 o'clock instead of 3. Is it agreeable to the Senator that debate shall end at 4 o'clock—that there shall be no further debate after that time?

Mr. GALLINGER. Oh, yes.

Mr. LA FOLLETTE. Mr. President, I understood that there would be five minutes' debate upon amendments after 4 o'clock or after 3 o'clock, whatever time is fixed.

Mr. GALLINGER. Certainly.

Mr. WILLIAMS. I ask that the request may be read.

The PRESIDENT pro tempore. The Chair will say to the Senator from Mississippi that as soon as the Senator from Nevada determines the text of the request it will be stated to the Senate.

Mr. NEWLANDS. I am trying to reach an understanding, and there are different views, of course, and I want to satisfy everybody. It is proposed, therefore, that we shall take a recess until to-morrow at 10 o'clock—

The PRESIDENT pro tempore. We will have to dispose of this matter before we can dispose of that.

Mr. NEWLANDS. That from 12 o'clock on the speeches shall be limited to 15 minutes upon the bill and 5 minutes upon the amendments, and that no Senator shall speak more than once, either upon the bill or upon the amendments.

The PRESIDENT pro tempore. At what hour will that limitation become effective?

Mr. NEWLANDS. And that at 4 o'clock we shall proceed to vote, without debate except upon amendments, and that debate upon amendments be limited to five minutes.

The PRESIDENT pro tempore. The Secretary will state the request.

The SECRETARY. The Senator from Nevada asks unanimous consent that at not later than 4 o'clock p. m. on Saturday, September 2, 1916, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 17700) to establish an eight-hour day for employees, and so forth, through the regular parliamentary stages to its final disposition, the vote upon the final passage of the bill to be taken not later than 6 o'clock p. m. on the said day, and further that after the hour of 12 o'clock noon on said day no Senator shall speak more than once nor longer than 15 minutes upon the bill nor more than once nor longer than 5 minutes upon any amendment offered thereto.

Mr. LA FOLLETTE. Mr. President—

Mr. WILLIAMS. Mr. President, I suggest to the Senator from Nevada that he put in the word "calendar" just prior to the word "day," for fear of some misconstruction as to the meaning of the word.

The PRESIDENT pro tempore. That amendment will be made. Is there objection to the request in its present form?

Mr. McCUMBER. Mr. President, as the Secretary read the proposition there was no reference to 4 o'clock.

The PRESIDENT pro tempore. Yes; there was.

Mr. McCUMBER. I should like to hear that part of the proposed agreement read.

The PRESIDENT pro tempore. The Secretary will read the proposed agreement again.

The SECRETARY. The Senator from Nevada asks unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Saturday, September 2, 1916, the Senate will proceed to vote, and so forth.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. BRANDEGEE. Mr. President—

Mr. LA FOLLETTE. Mr. President, if I understand that request, under it a Senator might get the floor at 10 o'clock and hold it until 12, using two hours of the time.

The PRESIDENT pro tempore. Yes.

Mr. LA FOLLETTE. Thereafter no Senator would have an opportunity to speak more than once upon the bill, and then not longer than for 15 minutes.

The PRESIDENT pro tempore. That is true.

Mr. LA FOLLETTE. If that is the form of the request, I object to it.

Mr. NEWLANDS. Will the Senator suggest a modification of it that will be satisfactory to him?

Mr. WILLIAMS. Yes; to put it in operation right now, instead of at 12 o'clock.

Mr. NEWLANDS. I was addressing myself to the Senator from Wisconsin.

The PRESIDENT pro tempore. If the Senator from Wisconsin will suggest some modification that would please him, that will dispose of the matter.

Mr. BRANDEGEE. I was going to call attention to the same thing the Senator from Wisconsin has suggested, and I was going to ask the Senator from Nevada if he would have any objection to making the 15-minute rule apply at the opening of the session to-morrow.

Mr. NEWLANDS. None whatever.

Mr. BRANDEGEE. Then, it will be fair to everybody.

Mr. SMITH of South Carolina. That is right.

Mr. NEWLANDS. Would that be satisfactory to the Senator from Wisconsin?

Mr. LA FOLLETTE. Mr. President, I perhaps might be the one most likely to transgress and consume the two hours' time if I succeeded in getting the floor.

The PRESIDENT pro tempore. The modification now proposed by the Senator makes the limitation operative at 10 o'clock.

Mr. LA FOLLETTE. I suggest that the first two hours be split up into 30-minute speeches.

Mr. PENROSE. That is all right.

Mr. NEWLANDS. That is entirely satisfactory.

Mr. SHERMAN. Mr. President, I shall make no objection to fixing a time for a vote; but I wish to say for myself that Congress is creating a precedent that will return to plague it unto the utmost generation.

The PRESIDENT pro tempore. We are now considering a request for unanimous consent, and the Chair has called the attention of some Senators to the fact that it is not debatable.

Mr. SHERMAN. I shall not intervene to delay the consideration of this bill under the restrictions named, nor to take a roll call in accordance with the order to be entered, as I understand, by unanimous consent; but never in the history of Congress or of this country has a matter of this importance, creating a legislative precedent that will turn Congress into an arbitration board for all time, been disposed of with so little consideration for the interests of the entire country. Congress is put in a craven attitude—an attitude of being incompetent to represent the American people.

The PRESIDENT pro tempore. The Chair feels compelled to call the Senator's attention to the fact that a request for unanimous consent is not debatable.

Mr. HUGHES. The Senator does not object, as I understand.

Mr. SHERMAN. I want to have inserted in the CONGRESSIONAL RECORD what I have said. With that I am content. The rest of the time I will get in under the five-minute rule. If I can not say enough in 5 minutes, it will not be my fault, and in 15 minutes I can improve on it considerably.

Mr. BRANDEGEE. Mr. President, does not the roll have to be called before the agreement is made?

The PRESIDENT pro tempore. Unquestionably, whenever we agree on the text of the proposed unanimous-consent agreement.

Mr. LANE. Mr. President, I think any Senator is capable of saying all that we want to hear in 10 minutes. I suggest

that the limitation be 10 minutes, and I shall object to a longer time.

The PRESIDENT pro tempore. That has been objected to. Fifteen minutes has been objected to.

Mr. LANE. I withdraw my objection, then.

Mr. NEWLANDS. Mr. President, I should like to have the Secretary state the proposed unanimous-consent agreement so that it can be clearly understood.

Mr. GALLINGER and other Senators addressed the Chair.

The PRESIDENT pro tempore. The Chair will not recognize any Senator until he can do so understandingly. The Senator from Nevada has the floor.

Mr. NEWLANDS. Do I understand that we have reached an agreement in regard to the matter?

Mr. GALLINGER. I would suggest to the Senator from Nevada that under the rule the roll must be called.

Mr. NEWLANDS. Yes.

Mr. GALLINGER. During the calling of the roll I think the Senator from Nevada can adjust the differences, and unanimous consent will then be given.

The PRESIDENT pro tempore. Nothing can be done during the roll call. Let us agree on the text before it is submitted to the Senate on a roll call. If there is objection, it is useless to call the roll.

Mr. PENROSE. Let the roll be called.

The PRESIDENT pro tempore. Is there objection to the request in its present form? The Chair hears none. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Nelson	Smith, Ga.
Bankhead	Gronna	Newlands	Smith, Md.
Beckham	Hitchcock	Overman	Smith, S. C.
Borah	Hughes	Owen	Smoot
Brady	Husting	Page	Sterling
Brandegee	Jones	Penrose	Stone
Bryan	Kenyon	Phelan	Swanson
Chamberlain	Kern	Pittman	Taggart
Chilton	La Follette	Pomerene	Thomas
Clapp	Lane	Ransdell	Thompson
Clarke, Ark.	Lea, Tenn.	Reed	Underwood
Cummins	Lee, Md.	Shafroth	Vardaman
Curtis	Lewis	Sheppard	Wadsworth
Dillingham	McCumber	Sherman	Walsh
du Pont	Martin, Va.	Shields	Warren
Fletcher	Myers	Simmons	Williams

Mr. POMERENE. I was requested to announce the unavoidable absence on account of illness of the Senator from Delaware [Mr. SAULSBURY].

Mr. HUGHES. I wish to announce that the Senator from Kentucky [Mr. JAMES] is unavoidably absent on important business.

Mr. SHEPPARD. I desire to announce the unavoidable absence of my colleague, the senior Senator from Texas [Mr. CULBERSON].

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. There is a quorum present. The unanimous-consent agreement will stand, a quorum being disclosed.

RECESS.

Mr. NEWLANDS. I move that the Senate take a recess until 10 o'clock to-morrow morning.

The motion was agreed to; and (at 11 o'clock p. m.) the Senate took a recess until to-morrow, Saturday, September 2, 1916, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate September 1, 1916.

FIRST ASSISTANT SECRETARY OF THE INTERIOR.

Alexander T. Vogelsang, of San Francisco, Cal., to be First Assistant Secretary of the Department of the Interior, vice Andrieus A. Jones, resigned.

COLLECTOR OF CUSTOMS.

George P. Woollen, of Dyersburg, Tenn., to be collector of customs for customs collection district No. 43, in place of Charles B. Quinn, whose term of office will expire by limitation September 8, 1916.

APPOINTMENT IN THE ARMY.

QUARTERMASTER CORPS.

Charles P. Daly, chief clerk, office of the Quartermaster Corps, United States Army, to be military storekeeper in the Quartermaster Corps, with the rank of captain from August 29, 1916.

REGISTER OF LAND OFFICE.

James Walter Mee, of Centerville, S. Dak., to be register of the land office at Rapid City, S. Dak., vice Orin M. Lane, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 1, 1916.

FIRST ASSISTANT SECRETARY OF THE INTERIOR.

Alexander T. Vogelsang to be First Assistant Secretary of the Interior.

FIRST ASSISTANT POSTMASTER GENERAL.

John C. Koons to be First Assistant Postmaster General.

RECEIVERS OF PUBLIC MONEYS.

William O'Leary to be receiver of public moneys at Minot, N. Dak.

James J. O'Keane to be receiver of public moneys at Vancouver, Wash.

PROMOTIONS IN THE NAVY.

Rear Admiral William S. Benson, Chief of Naval Operations with rank of rear admiral, to have the rank of admiral.

First Lieut. George W. Van Hoose to be a first lieutenant in the Marine Corps.

First Lieut. Arthur J. White to be a first lieutenant in the Marine Corps.

UNITED STATES CONSULS.

CLASS 6.

William F. Doty to be a consul of class 6.

CLASS 7.

Charles M. Hathaway, jr., to be a consul of class 7.

CLASS 8.

Edwin Carl Kemp to be a consul of class 8.

CLASS 9.

Addison E. Southard to be a consul of class 9.

POSTMASTERS.

LOUISIANA.

Hazel L. Switzer, Longville.

Clara L. Wells, Colfax.

Ewell West, Bunkie.

MASSACHUSETTS.

Michael H. Lyons, Indian Orchard.

MICHIGAN.

John F. McEvoy, Onaway.

MISSISSIPPI.

Ollie R. Freeman, Picayune.

Nellie Lide, Lumberton.

MONTANA.

Frank P. Byrne, Three Forks.

Willard P. Willis, Plains.

NEW MEXICO.

William C. Brannin, Raton.

TEXAS.

John M. Hill, Cooledge.

Mrs. A. M. Miller, Baird.

Jennie Reynolds, Mason.

W. M. Stanberry, Midlothian.

WEST VIRGINIA.

Jessie E. Lavelle, Tunnelton.

HOUSE OF REPRESENTATIVES.

FRIDAY, September 1, 1916.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord our God, and our Father, whose providence has ever been round about us to strengthen, inspire and guide us as a people, continue, we beseech Thee, to assert Thyself in all our future. Help us as individuals to crucify the selfishness within us and the evils that follow in its wake, that we may learn the art of doing unto others as we would be done by, that the desires of Thy heart may be fulfilled in us and peace, joy, and happiness be ours. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE SUPREME COURT.

Mr. WEBB. Mr. Speaker, I ask that House bill 15158 with Senate amendments be taken from the Speaker's table.

The SPEAKER. The Chair lays before the House the bill H. R. 15158 with Senate amendments, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 15158) to amend the Judicial Code; to fix the time when the annual term of the Supreme Court shall commence; and further to define the jurisdiction of that court.

Mr. WEBB. Mr. Speaker, I move to concur in the Senate amendments.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] moves to concur in the Senate amendments. The question is on agreeing to that motion.

The motion was agreed to.

IMMIGRATION STATION AT BALTIMORE, MD.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to call up House bill 6034, Union Calendar No. 333, appertaining to the immigration station at Baltimore.

The SPEAKER. What is the status of it?

Mr. LINTHICUM. It is on the Union Calendar.

The SPEAKER. Is it just a House bill?

Mr. LINTHICUM. Yes; it is just a House bill.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent for the present consideration of the bill H. R. 6034, which the Clerk will report by title.

The Clerk read the title of the bill, as follows:

A bill (H. R. 6034) to make available a portion of the appropriation for the immigration station at Baltimore, Md., for such counters, booths, screens, railings, seats, bunks, kitchen and laundry equipment, etc., as necessary in connection with said station.

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, is this bill to take any considerable time?

Mr. LINTHICUM. No; it will not.

Mr. MANN. I want a few minutes upon it.

Mr. GARRETT. The gentleman ought not to take up time with it.

Mr. LINTHICUM. If the gentleman will hear me—

Mr. GARRETT. I have no objection to the bill. The only inquiry I made was whether it would take time.

The SPEAKER. How long will this bill take?

Mr. LINTHICUM. I do not think it will take five minutes.

Mr. MANN. I think, Mr. Speaker, it would be wiser to have the bill go over until later in the day.

The SPEAKER. The only ground on which the Chair let the gentleman in was that it would not take up much time.

Mr. MANN. Any time used on it now is time lost irretrievably. The gentleman can follow it up later in the day.

Mr. KITCHIN. I suggest to the gentleman to let it go over.

Mr. LINTHICUM. Very well, Mr. Speaker; I withdraw it for the time being.

EIGHT-HOUR DAY.

Mr. KITCHIN. Mr. Speaker, if the gentleman from Illinois will give me his attention, I want to see if we can take up the bill (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes, by unanimous consent and make an agreement as to time.

Mr. MANN. I think any time used in discussing it now would be so much time wasted.

Mr. KITCHIN. The gentleman has no objection to taking it up now?

Mr. MANN. I do not think we can make any agreement about taking it up.

Mr. KITCHIN. I ask unanimous consent, Mr. Speaker, that this bill may be in order now.

The SPEAKER. Is the gentleman making a request?

Mr. KITCHIN. Yes; asking unanimous consent for the immediate consideration of House bill 17700.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the immediate consideration of House bill 17700, the eight-hour bill. Is there objection?

Mr. MANN. I object, Mr. Speaker.

The SPEAKER. The gentleman from Illinois objects.

Mr. HARRISON. Mr. Speaker, I desire to submit a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report the rule.

The Clerk read as follows:

House resolution 363 (H. Rept. 1183).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 17700; that there shall be not exceeding two hours of general debate, the time to be controlled one-half by the gentleman from Georgia [Mr. ADAMSON] and one-half by the gentleman from New Jersey [Mr. PARKER]; that all debate shall be confined to the subject matter of the bill; and that the bill shall be in order for all legislative days except Calendar Wednesday. At the expiration of general debate, amendments may be offered, considered, and disposed of until 4 o'clock and 30 minutes postmeridian on Friday, September 1, 1916, when all pending amendments shall be voted on without further debate, and the committee shall then rise and report to the House the bill and all amendments that shall have been recommended by the Committee of the Whole House on the state of the Union; whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motions, except one motion to recommit.

Mr. HARRISON. Mr. Speaker, may I ask the gentleman from Wisconsin [Mr. LENROOT] if we can agree upon time for discussion of the rule?

Mr. LENROOT. What has the gentleman to suggest?

Mr. HARRISON. Well, would 20 minutes on a side be sufficient?

Mr. LENROOT. I have a number of requests for time on this side. I think we could agree upon 30 minutes, after which the previous question could be moved. I think that would be satisfactory.

Mr. HARRISON. Will the gentleman move the previous question? I ask unanimous consent, Mr. Speaker, that in the discussion of the rule there shall be one hour's debate, 30 minutes of which time shall be controlled by the gentleman from Wisconsin [Mr. LENROOT] and 30 minutes by myself, at the expiration of which time the previous question shall be considered as ordered on the rule.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that debate on the rule be limited to one hour, he to control one half and the gentleman from Wisconsin [Mr. LENROOT] the other half, and that at the end of that hour the previous question shall be considered as ordered.

Mr. LENROOT. I object, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. MOORE of Pennsylvania. I reserve the right to object, Mr. Speaker.

The SPEAKER. Does the Chair understand the gentleman from Wisconsin to reserve the right to object?

Mr. LENROOT. I do. I will say to the gentleman that if he moves the previous question I will not try to prevent a roll call, but I object to unanimous consent.

Mr. HARRISON. I move the previous question on the resolution, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi moves the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] is recognized for 20 minutes and the gentleman from Wisconsin [Mr. LENROOT] for 20 minutes.

Mr. HARRISON. Mr. Speaker, a grave problem now confronts the American people. It is due to the conflicting claims of the railroad employees and the railroad managers. The questions involved in the dispute were so important to each of the contending parties that an amicable settlement could not be agreed upon; and when these issues became so sharp that a settlement between the parties appeared to be impossible, in the interest of the American people the President offered his generous offices to aid in an adjustment of those differences. For over two weeks the President has exerted every influence, has demonstrated almost superhuman patience, to bring the parties to an understanding and avert a strike. He has given his time, his labor, and his thought to the controversy. I need not discuss the distress, the inconvenience, the cost, and the effect on the business of this country if this strike should come. You know it, the President knows it, and the American people know it. It was not until the President had exhausted every means at his command to bring these contending forces together to avoid the strike, and had failed, that he appealed to the American Congress to enact such legislation as would prevent the anticipated strike.

To-day we are not confronted with the question of whether we sympathize with the employees or sympathize with the railroads. We need not become partisans to either side of that controversy. This question sinks into insignificance, and we must look above and beyond it to the interests of the American people.

This strike must be averted! The responsibility is on our shoulders. We must respond to it! If we pass this rule and the bill, the consideration of which it calls for, which is, after all, legislation to meet an impending emergency, I believe that this strike will be averted and the interests of the American people safeguarded and protected. [Applause.]

I reserve the balance of my time.

Mr. LENROOT. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. BENNET].

The SPEAKER. The gentleman from New York is recognized for 10 minutes.

Mr. BENNET. Mr. Speaker, I agree with Mr. Gompers, the president of the American Federation of Labor, in one statement that he made yesterday. He said there were worse things than strikes. There are, and one of those things is the destruction of the American system of government. [Applause on the Republican side.]

I shall vote against this bill. I was born in a railroad town (Port Jervis) and know railroad men. I suppose I am one of the few men in this House who have when a boy coupled freight cars with their bare hands, in those old inhuman days when even the use of the brake stick was prohibited by the railroad rules.

I was put into public life by union labor men—plasterers and bricklayers—and for 11 years on one street corner in New York City, on the Saturday night before election, whether I was in office or out of office, I went and stood on a truck in a labor neighborhood, having first issued a general invitation to that neighborhood that any man could come and ask me any question as to politics or anything else.

I have not always agreed with laboring men, but I have never deceived them, and because I have never deceived them, although they have disagreed with me at times, they have for nearly 20 years been my most loyal supporters. I shall not deceive them now, for this proposed legislation is the worst blow that anyone ever dealt to organized labor. [Applause.] Did you see the cartoon in the Washington Evening Star last night? It is a picture of a stalwart man in the costume which usage has made familiar to us as the costume of the railroad man, holding a watch on Congress and saying that we must pass legislation before a certain time, whether that legislation is right or wrong. That is shotgun procedure.

Mr. HILL. Did not the gentleman on the other side admit that?

Mr. BENNET. I did not hear it.

Mr. COOPER of Ohio. Will the gentleman yield?

The SPEAKER. To whom does the gentleman from New York yield?

Mr. BENNET. To neither.

The SPEAKER. The gentleman declines to yield.

Mr. BENNET. Mr. Speaker, that cartoon is true; and from that cartoon to the roll of the tumbrel and the click of the knitting needles of some Madame Defarge is a space that is almost measurable. I for one do not propose, at this or any other stage of my legislative career—I have never done it in the past, and I do not propose in the present or the future—to cast my vote with a pistol against my head. [Applause.]

Day before yesterday a mob in Lima, Ohio, took the sheriff of that county from his home with a noose around his neck in the effort to force him to deliver one of his prisoners over to them, and I stand here to laud that brave man because they could not get him to violate his oath of office until they had beaten him into practical unconsciousness, and, because he resisted long enough, the dignity of the law was upheld. I purpose for one to keep myself in a position where I can at least have the right to look that man in the face. [Applause.]

Mr. FESS. Will the gentleman yield?

Mr. BENNET. I have regretfully declined to yield to others.

Mr. FESS. I think the gentleman would like to hear what I intended to say.

The SPEAKER. The gentleman declines to yield.

Mr. BENNET. I am against this bill, in the second place, because it is revolutionary. Oh, to-day you are trying to fix the pay of 400,000 men employed in one industry, to give them an increase of 25 per cent. If you fix the pay of those 400,000 men to-day, you must fix the pay to-morrow of the remainder of the 2,000,000 men in that industry. If you fix the pay of the 2,000,000 men to-morrow, within a short time you will have to fix the pay of every employee of every factory in the United States that manufactures goods to go into interstate commerce.

By this act to-day we take the first step away from the old democracy of Thomas Jefferson and the Federal policy of Alexander Hamilton to the socialism of Karl Marx.

I am also opposed to this bill because it is unconstitutional. Why, in Two hundred and thirty-sixth United States, in the case of *Coppage* against Kansas, almost this precise question has been passed upon within the last two years; and when this House attempts to say to the railroad men of the country that it is giving them 10 hours' pay for 8 hours' work—let us use the plain, old Anglo-Saxon—it lies to them. [Applause.] I prefer to tell the truth now to them rather than explain to them later when they find out the truth.

But gentlemen say they are going to vote for this bill because it will avert a strike. This bill will avert no strike. I do not know that it will even postpone it. We have no statement from any responsible source that the passage of this bill by this House to-day will postpone this strike for a minute.

Mr. QUIN. Will the gentleman yield right there for a question?

Mr. BENNET. I have declined to yield.

The SPEAKER. The gentleman has repeatedly declined to yield.

Mr. BENNET. In the short time I have I must decline to yield to anybody. When we say to these 400,000 men to-day by the passage of this bill that we are giving them wages which we are not giving them, and when some days or weeks or months from now they find our perfidious attitude exposed, then the strike will come; and then we will be without remedy, because the people of the United States will then be treating, not with 400,000 fellow citizens who have no special animus against the remainder of the country, but with 400,000 of our best and sturdiest citizens who have been deceived by the highest legislative body of the country. We are averting nothing, and possibly we are not postponing anything, but I will tell you what we are doing. We are cutting the ground out from beneath our system of legislative government in this country. And we are doing another thing. We are concentrating power in the Congress of the United States and loading ourselves with responsibilities which under no possible circumstances can we discharge. We have been in session now for nine months. We have passed a good deal of legislation, but we are criticized every day by organizations all over the country because we have not passed more legislation. Physically we could probably not have passed more.

We have been in session more days and hours than any other legislative body in the world ever sat in the same length of time. And the nearly 16,000 pages of the CONGRESSIONAL RECORD, the largest ever printed, is proof of the enormous labors of Congress. When we attempt to take up the question of regulating the rate of wages of every employee not only on the railroads but in every factory that makes a yard of cotton cloth, in every grocery store that sells pure food whose sale we regulate under this same clause of the Constitution, when we reach that advanced stage of governmental socialism, then the legislative power of the Government, from sheer weight of labor, will have disappeared as an effective power from the Government of the United States. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL of Missouri. Mr. Speaker, I am heartily in favor of the prompt enactment of this bill. I understand that it is intended as a temporary measure, but it is an absolute necessity, as the commerce of the country is about to be paralyzed. I think that every intelligent man, woman, and child in the land recognizes to-day the great loss that will be sustained by this country, and every individual in the country, if the strike which has been called goes into effect on next Monday.

This is an emergency measure made necessary by the conditions confronting us, and the effect of it will be temporary. The permanent rate between the parties to this controversy is finally to be determined, and in a few months, by a commission that will be appointed by the President of the United States. I think we can all with perfect confidence trust him to appoint men who will be just to both sides of this question.

My sympathies have always been with the men who toil—I presume because of the environments that have surrounded me all the days of my life—and my sympathies always will be with those who labor and produce the wealth of the country; at the same time I recognize that the railroads and all other employers of labor are entitled to their rights, and I do not want to do any injustice to them. I believe that this proposed legislation will stop the threatened strike, and I shall use my voice and cast my vote for this bill, believing it is probably the only means within our power that will prevent that awful and impending calamity to the American people.

The gentleman from New York [Mr. BENNET] who has just spoken says that he does not believe this law if enacted will stop the strike. I understand the labor unions, or their representatives, say that if this legislation is enacted that it will stop the strike. The President believes that it will stop the strike, and the committee that has charge of this bill believe that it will stop the strike. It is worth while at least of an effort on the part of the American Congress to try to provide a remedy that is at this time a matter of supreme importance to all the people of this country. [Applause.]

Mr. HARRISON. I yield three minutes to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BUCHANAN of Illinois. Mr. Speaker, the only objection I have to this rule is that it does not give time enough to discuss this important question. It does not give one who thoroughly understands the question time to refute the charges that have been made that the railroad men are standing here holding up Congress for legislation.

I know the history of this contest in regard to the efforts on the part of the railroad employees to secure an eight-hour day. They have been earnestly striving for it for years. This matter has been under consideration for the past year. They have referred it to the membership, with a vote of 94 per cent in favor of an eight-hour day or a strike.

Now, they did not ask the administration or Congress to get into this matter. You have not had this brought before you at the request of or by the efforts of the representatives of the brotherhoods or these men who are representing the brotherhoods.

The men who are representing the brotherhoods have been criticized without justification because they will not agree to postpone or declare this strike off; they are acting under directions, so to speak, from their organizations, and their hands are tied. I say it is erroneous for anyone to say that the railroad men or the workmen of the country have stood with a gun in their hands holding up the administration or Congress.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BUCHANAN of Illinois. I have not the time, I have only three minutes. The railroad brotherhoods are not in full harmony with the legislation that is embodied in this bill, but they have agreed as a compromise that if such legislation is passed that it will avoid this strike. They are not in full harmony with the commission part of it, which means that we are going to consider and investigate in regard to the application of the eight-hour rule to the railroads which will give the railroad jugglers of the country an opportunity to make it appear that it will cost much more by overloading the trains, and so forth. That they may come to the Congress or the Interstate Commerce Commission and ask and receive, if the same powers now in office who are in sympathy with giving the corporations of the country who have inflated stock for the purpose of deceiving the people of the country, additional rates of freight so that they can further rob and plunder the people of the country.

These are the things that the men have acquiesced in, not because they are in harmony with them altogether, because they know the railroads are not entitled to any increase of freight rates on account of the application of an eight-hour day. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks. Is there objection?

Mr. MANN. I shall object to all requests to extend. Let the RECORD show what actually takes place.

Mr. BUCHANAN of Illinois. I ask unanimous consent to insert in my remarks information from the Interstate Commerce Commission showing the income of the railroads, which shows that 155 large railroads received \$278,000,000 more this year than they did last year.

Mr. MANN. I have no objection to the insertion of a document.

The matter referred to is as follows:

Extract from report of the Interstate Commerce Commission for year ending June 30, 1916, for 155 of the largest roads.

Net revenue for 1916.....	\$1,019,631,711
Net revenue for 1915.....	741,369,887

Increase in net revenue in the last year.....	278,261,824
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Mr. LENROOT. Mr. Speaker, there will only be one more speech on this side.

Mr. HARRISON. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Speaker and gentlemen of the House, I rise to say a word in defense of the railroad men who belong to railroad organizations in this country.

The gentleman from New York [Mr. BENNET] left the impression that the railroad organizations were trying to hold up this Congress at the point of a gun. The railroad organizations did not bring the question to Congress. They were having a negotiation with the employers in New York City, and when these negotiations were broken off the President of the United States asked the railroad organizations to come to Washington. The President used his best influence to try and settle the controversy between the employers and the employees, and when he could not settle it the President of the United States came to Congress and appealed to this body to pass this legislation. The railroad men have not asked Congress to pass this piece of legislation that we are considering to-day.

Mr. MOORE of Pennsylvania. Did they ask the President to interfere?

Mr. COOPER of Ohio. I have not time to yield—but they did say that if this House would pass this bill to-day and the Senate would pass it to-morrow, so that it would become a law, they would have the power to call this strike off. Mr. Speaker, I know of no body of workmen in the United States to-day who are a better, more law-abiding class of citizens, honest, and industrious, than the railroad men of this country. [Applause.] They have been conservative in asking for better conditions, and I do not believe that the railroad men of the country have had a strike since 1894, and I rise at this time in defense of the railroad organizations and say again that it was not the railroad men who brought this question to Congress, and they should not be accused here on the floor of this House of coming to Congress and trying to hold us up at the point of a gun. [Applause.]

Mr. HARRISON. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. Mr. Speaker, I for one am glad that the responsible Democratic Party of these United States has accepted the responsibility for this wise legislation. Since I can remember, the issue between the people of the United States has been whether the Democracy really recognized the interests of the workman, and to-day we have a demonstration here on the floor of this House as to whether a Republican stands by his organized-labor friends or whether the Republicans will stand by them and the people of these United States and coerce those people who are trying to keep in their own pockets the great prosperity that the Democracy has brought to our Nation. [Applause on the Democratic side.] And the proof is they do not. I believe that the man who works with his hands is entitled to a fair return for his toil, and when the country is prosperous he is entitled to an increase in his wage. I believe that eight hours are long enough for any man to work at a skilled trade. When the clock goes round in its circle it should be divided into three periods, as was provided by the King of France in ancient times. It is for that principle that the workman of America has been fighting, and I am proud that the Democracy of the United States has taken this great step toward the establishment of that principle, which is recognized in the mind of every free-thinking American as just and proper. [Applause on the Democratic side.]

Mr. HARRISON. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Speaker, I am heartily for this bill to provide an eight-hour day for men in the train service on interstate railroads, and I want to say that I would be glad to support it if there were no strike impending. It is not a piece of temporary legislation, but is, as the President of the United States has pointed out, a very much needed addition to our code of laws, brought on, of course, by the exigencies of the occasion, but not confined to the particular crisis in which we are now involved. I believe that the people of the United States generally recognize the great social principle of an eight-hour day for labor. I think that Congress in responding to that demand is voicing the appeal of the laboring people, the producers, and the great masses of the United States of America. I do not believe that the expense of putting in force an eight-hour day will equal what the railroads have claimed. I was in the railroad business myself years ago, but that was before the day when legislation, enacted by Congress, had guaranteed to the railroads a fixed income upon their property. To-day the railroads are the only class of business in the United States that is absolutely guaranteed a profit upon its business. The men who work for them are not guaranteed a living wage, the men who ship over them are not guaranteed a profit, the farmer who raises the produce which constitutes the commerce of the railroads is not

guaranteed a profit, but the one business institution in the United States that is guaranteed a fixed return upon its investment is the railroad itself. [Applause on the Democratic side.]

Mr. HARRISON. Mr. Speaker, I yield two minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, the matter now pending before the House is not the exact merits of the bill that is to be considered. The question is whether or not the Democratic Members of this House, having a majority, after knowing the impending strike and the conditions and the merits of such legislation, after having had presented to them the reasons by the President of the United States why such legislation should be enacted into law—whether or not we should delay days, weeks, months in this legislation, or whether or not we, having the power, with the majority of the votes, to take up the question, consider it thoroughly, give it enough consideration, and then vote upon it and determine and say to the people of this country that we can not only make promises but that we can make them effective by our votes and enact those promises into law. That is the question that is now before the House, and this resolution should be adopted so that the main bill pending—H. R. 17700—may be taken up by this Congress immediately and to-day passed by the House by a good strong vote that will bring about results. I shall vote for the rule and then for the bill. I am in favor of the legislation proposed with the amendment to be offered by the committee excepting from the provisions of the bill electric street railroads and electric interurban lines and short-line railroads. [Applause on the Democratic side.]

Mr. LENROOT. Mr. Speaker, I appreciate the emergency which exists, which calls for speedy action upon this bill, but there was no reason why this entire day, at least, should not have been devoted to a consideration of it. Nothing will be gained in the way of expediting the bill through the other House of Congress by compelling a vote at 4.30 o'clock instead of 6.30 o'clock or still later. The minority members of the Committee on Rules offered the very reasonable amendment that the debate be extended for two hours. That was rejected by the Democratic majority, and we are compelled to face this tremendous question with practically no debate and practically no consideration.

I expect to vote for this bill [applause on the Democratic side], but I shall not vote for it as a measure of justice to the railroad men employed, for I do not know whether it is just or not, and there are not a dozen Members of this House who have any judgment based upon facts as to whether it is just or not. There has been no consideration of the merits of this proposition in the committee or elsewhere by the Members of Congress. The demands of the brotherhoods may be absolutely reasonable; they may be unreasonable. I do not know, and you do not know; and yet I shall vote for the bill, because with the emergency which exists we have the choice of voting blindly to-day, surrendering our right to have facts to form a judgment upon the merits of the proposition, or having a strike that in its effect and results will be equal to war in the suffering that will follow.

Who is responsible for this condition the future will tell, but, in my judgment, one who must share the responsibility for this awful condition is the President of the United States. [Applause on the Republican side.] Mr. Speaker, during the 16 or 18 years I have been in politics I have, as a rule, stood with the labor organizations. I have had the indorsement of the Federation of Labor in my campaigns in the past. I hope to merit their indorsement in the future, whether I shall have it or not, but as to this controversy, to my mind there is only one thing involved and that is whether the railroad employees of this country are entitled to greater compensation or not. That we do not know and can not judge, because we have not the facts to form a judgment upon. If it was an eight-hour law, if it meant the railway employees throughout the United States would quit work at the end of 8 hours and have 16 hours of rest for sleep and recreation, I could stand for it upon its merits. No one believes for a moment that it is an eight-hour law, but that it is a means of increasing the compensation of the railway employees of this country, which, perhaps, ought to be increased. I do not know, but that is the issue. That was the great controversy between the railway managers and their employees, and the President of the United States, without investigation of the facts, decided the major portion of the controversy in the interest of the railway employees; and after he did that, I want to say that the heads of those brotherhoods are not so greatly to blame for the position they have now taken. Why? Because if the President had not taken that position, knowing these railway employees as I do, knowing, as the gentleman from Ohio [Mr.

COOPER] has said, there is no more patriotic lot of men in the United States than that class of employees.

Mr. GORDON rose.

Mr. LENROOT. I can not yield. I am satisfied if it had not been for the position of the President of the United States we would not have been confronted with the condition we have to-day, and the railway employees and the railway managers would have gotten together upon some kind of arbitration, but the President himself now has prevented it. Mr. Speaker, the President in his message to this Congress, delivered a few days ago, said that this matter had been pending for more than a year. I want to ask you gentlemen on that side if this situation has been pending for more than a year why have not you attempted to secure legislation that would prevent this awful condition that now confronts us? You say now that it is only a temporary measure of relief, that in the future legislation will come that will prevent this sort of thing. Why have not you been doing something during the past year; you seem to have known about it?

Mr. CALDWELL. Will the gentleman yield?

Mr. LENROOT. I can not yield. During all the years I have been in public life I have fought, as best I could, to establish the principle that railway managers have an obligation to the public and that the public have an interest in the conduct of the railroads. I never believed that it would be necessary for the Congress of the United States to consider the proposition of whether or not the men who work upon the railroads do not likewise have an obligation to the public [applause on the Republican side], and whether or not legislation is necessary to regulate to some degree their conduct as well as the conduct of the managers themselves. Mr. Speaker, so far as compelling a man to work upon a railroad against his will, this Congress nor any Congress will never stand for that and I will never vote for it; but so far as concerted action is concerned for the purpose of enforcing a demand prior to an investigation by some impartial tribunal, what has come about in this emergency impresses me that the time has come when the sovereign authority of the United States will be compelled to enact such legislation as will prevent that sort of action prior to some careful impartial investigation. Railway employees must recognize that they have an obligation to the public and they can not by their demands upon the railroads ignore the fact that 2,000,000 babies, in the event of a strike, may suffer and many die for want of milk. They can not ignore the fact that we have 10,000,000 children in the United States to-day that will suffer grievously through a railroad strike. They must recognize some obligation to the public. On the other hand, in the future the public must recognize the rights of the railway men and see to it that they secure fair treatment at the hands of the railroads.

So, Mr. Speaker, as I say, while I shall vote for this bill to-day, I want it distinctly understood that I vote for it to avert this strike and not because I have any opinion as to whether the merits of the bill are correct or not. Mr. Speaker, I have 1,800 railway employees in my city. I have 2,500 in my district. I have a primary coming on next Tuesday. The easy way for me to do would be simply to vote for this bill to-day and say nothing. I do not know how what I have said will affect my political fortunes, Mr. Speaker, but when I go out of the Halls of this Congress for the last time I may take nothing else with me, but I do propose to take with me my self-respect. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. I yield the balance of the time to the gentleman from Georgia [Mr. ADAMSON].

The SPEAKER. The gentleman is recognized for five minutes.

Mr. ADAMSON. Mr. Speaker, it is utterly immaterial to us and the world on what ground the gentleman from Wisconsin [Mr. LENROOT] bases his conduct if his conduct is right, and as he is going to vote for the bill I congratulate him and will not criticize the reason for his action. I am sorry the gentleman saw proper to attribute to the President the blame for this situation. I only wish to say, whether the great President of the United States should be blamed or credited, his record of accomplishment is good enough for him to stand it, anyhow. [Applause on the Democratic side.]

I will not say with the apostle that I am neither for Paul nor Apollos. I will say that I am against neither party in this case. I am for both of them. They occupy the position of two parties who are conducting an affray in the streets to the terror of the king's subjects. I represent the people. All of these carrier officials and employees are our servants. If they do not realize it, they will have to come to the realiza-

tion that they are as much servants of the public as you and I. A condition presents itself and not a theory. There may be ten thousand different opinions as to what ought to be done to adjust relations between our two classes of servants when we have time and opportunity to give deliberate consideration to those questions.

This is inaptly described as temporary legislation. It is hasty legislation, I admit, to meet an emergency. There is but one substantial thing in it, and that is the eight-hour law. We have been committed to the hours-of-service law for years and years. We have a 16-hour law and a 9-hour law, and gentlemen who can read the provision of the Constitution declaring that Congress can regulate commerce between States and then cavil about the constitutionality of Congress doing anything to regulate commerce reads the Constitution with different kind of glasses to mine. We now put in the eight-hour law and provide to preserve the status quo until a commission can investigate the dispute between these two classes of our servants. Afterwards we will make complete and adequate regulation, taking care of the interests of both classes of our servants and doing justice to the people, to whom all service belongs. [Applause.]

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on agreeing to the rule.

The question was taken, and the rule was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17700, with the gentleman from Tennessee [Mr. GARRETT] in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes.

Mr. ADAMSON. Mr. Chairman, under the rule will this reading of the bill suffice or will it be necessary to ask to dispense with the first reading?

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. MANN. I object. It is a very short bill.

The CHAIRMAN. The gentleman from Illinois objects, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That beginning December 1, 1916, eight hours shall, in contracts for labor and service, be deemed a day's work and the measure or standard of a day's work for the purpose of reckoning the compensation for services of all employees who are now or may hereafter be employed by any common carrier by railroad which is subject to the provisions of the act of February 1, 1887, entitled "An act to regulate commerce," as amended, and who are now or may hereafter be actually engaged in any capacity in the operation of trains used for the transportation of persons or property on railroads, from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

Sec. 2. That the President shall appoint a commission of three, which shall observe the operation and effects of the institution of the eight-hour standard workday as above defined and the facts and conditions affecting the relations between such common carriers and employees during a period of not less than 6 months nor more than 9 months, in the discretion of the commission, and within 30 days thereafter such commission shall report its findings to the President and Congress; that each member of the commission created under the provisions of this act shall receive such compensation as may be fixed by the President. That the sum of \$25,000, or so much thereof as may be necessary, be, and hereby is, appropriated, out of any money in the United States Treasury not otherwise appropriated, for the necessary and proper expenses incurred in connection with the work of such commission, including salaries, per diem, traveling expenses of members and employees, and rent, furniture, office fixtures and supplies, books, salaries, and other necessary expenses, the same to be approved by the chairman of said commission and audited by the proper accounting officers of the Treasury.

Sec. 3. That pending the report of the commission herein provided for and for a period of 30 days thereafter the compensation of railway employees subject to this act for a standard eight-hour workday shall not be reduced below the present standard day's wage, and for all necessary time in excess of eight hours such employees shall be paid at a rate not less than the pro rata rate for such standard eight-hour workday.

Sec. 4. That any person violating any provision of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 and not more than \$1,000, or imprisoned not to exceed one year, or both.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. I desire to offer a substitute for this bill. When, under the rule, is it proper to do so?

Mr. ADAMSON. When the motion to recommit is made.

Mr. MOORE of Pennsylvania. I think the rule provides that amendments may be offered to the bill and they may be separately voted upon.

The CHAIRMAN. At the expiration of the general debate amendments may be offered. No amendment is in order at this time.

Mr. MOORE of Pennsylvania. I ask unanimous consent to offer a substitute at this time and have it pending.

Mr. ADAMSON. That can only be done after we reach the general debate.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to offer a substitute at this time and have it pending. Is there objection?

Mr. MANN. I do not think we ought to do that until we get to the five-minute rule. I object.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] is entitled to one hour and the gentleman from New Jersey [Mr. PARKER] to one hour.

Mr. MOORE of Pennsylvania. Mr. Chairman, was there any objection made to my request?

The CHAIRMAN. The Chair understood the gentleman from Illinois [Mr. MANN] to object.

Mr. MANN. I objected.

Mr. ADAMSON. Mr. Chairman, unless my colleagues see proper to ask me questions later on, I hope to consume very little of that hour, preferring to allot it to other gentlemen who desire to speak. We all realize the seriousness of the situation in which we find ourselves. I think it is unjust for gentlemen to charge that anybody is being prodded or driven about in connection with this matter. The question of an eight-hour day is not a new one. Every Member of Congress has general information enough to have been familiar with the discussion of that question for years. It has come up suddenly at an unfortunate time for those who were wanting to adjourn Congress and for the commercial population of the country, because it is at a season when the crops are ready to be moved and business, it was hoped, would be bountiful and prosperous. It makes it the more serious and necessary that if possible we should do something to relieve the situation.

The gentlemen operating trains made demands six or eight months ago. Several of us in the House have been observing their conferences and discussing matters all the time that they have been negotiating with the carrier officials. The carriers declined the demands of the operatives of the trains. The operatives were threatening to order a strike. It was the duty of any patriotic American citizen to intervene and make suggestions to solve the difficulty and prevent a strike if possible. The President of the United States, to whom we all look with respect and confidence, invited the two parties to confer with him in the hope that as a mediator himself and in conjunction with the Board of Mediation he might bring about an accommodation of the differences. He failed. The brotherhoods ordered a strike. The President stated the case to Congress. There was nothing new in anything he stated. Everything had been discussed before for years. He did systematize and place before Congress some suggestions. In framing this bill the members of the committees of the two Houses which have jurisdiction of the subject have canvassed the situation. We found that in the conferences, before the President laid the matter before Congress, one party, the party threatening the strike, had agreed to certain propositions which he had made to them. The other side had rejected those propositions, demanding that full and absolute legislation covering the whole field should be had now. We can not wait for them. There is not time now. All we could do was to be consistent with the proceedings had with the President and the two parties to the controversy.

One party, threatening to strike, had agreed to certain propositions. We considered logically that if Congress enacted into law those propositions, it would be unjustifiable for the brotherhoods to strike. Logically they could not strike, because we are doing just what the President proposed to them and just what they agreed to accept. We have no contract with them. We have not talked to any of them lately. We are following reason in the matter, and we believe that the adoption of this eight-hour law, with the safeguards which we have provided to protect the status quo until investigation can be made, ought to be had now; and we believe that if it can be done and that if it will effect the result desired, it is our duty to do it, and in all the future, in all the subsequent sessions of Congress, we will all have ample opportunity to present our views, discuss the questions at length, and try to adjust all the relations between these two classes of our servants, with justice to both. We are compelled to preserve the railroads.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield? Mr. ADAMSON. Yes.

Mr. GREEN of Iowa. Will the gentleman be willing to state whether he regards this as a temporary measure or not?

Mr. ADAMSON. I stated on the floor that it was inaccurately named "a temporary measure." It is somewhat hasty; it is to meet an emergency; and we are doing no more now than is necessary to meet an emergency, in our judgment. The eight-hour law is nothing new in this country, on the idea of safety for people and property on trains. The people who operate the trains, it is contended, ought to be in the full possession of all their faculties of mind and body, and if they work only eight hours a day except in cases of emergencies, which is the practice, then they would be in the full possession of their faculties; and on that theory we have legislated for hours of service. We have 16 hours and we have 9 hours, and if a train may be in the middle of a wilderness when 16 hours arrive, there are only certain conditions which forbid their being taken off the train and the train stopped. We have heretofore touched the subject. We are only going a little further with it, and saying it is safer to make it eight hours. But we are not going any further than that.

That is the only substantive provision in the bill. We think that is all that it is necessary to do now, with the addition of a provision to preserve the status until an investigation can be had of its workings—until full and free investigation can be had.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. DENISON. Are we to understand from the statement of the chairman of the committee that the committee is doing this just because it is considered necessary now?

Mr. ADAMSON. It seems to me it is considered necessary to do that now, and I think the committee agrees with me, and I think the people of the country agree with me.

Mr. DENISON. Another question, if the gentleman pleases: As I understand it, it limits its application to those employees of the railroads who are absolutely engaged in the operation of the trains. Is that right?

Mr. ADAMSON. Yes; that is the theory upon which we have based all our legislation on hours of service.

Mr. DENISON. Now, if the chairman, in speaking, urges this legislation on the basis of the demand for an eight-hour law, why is the bill limited to a particular class of people?

Mr. ADAMSON. That is not what I contend at all. The people demand that we avert this threatened strike by legislation. I will now turn Yankee and answer the gentleman's question by asking him one: With this strike staring us in the face and threatening business and a rise of prices next Monday, if he does not do this, what would he do?

Mr. DENISON. I think we ought to be honest and plain, and if we are enacting this legislation because we believe in the enactment of an eight-hour law, I believe it ought to apply to all employees engaged in interstate commerce.

Mr. ADAMSON. If the gentleman will be as honest as I am, he will vote for this bill, because I believe that in the case of people operating trains the eight-hour law is right for public safety [applause], and it being right, and civilization recognizing it as right, and as that naturally will probably avert a strike, I think it is honest for people to vote for it and avert a strike.

Mr. DENISON. Another question: If civilization recognizes this eight-hour law as right, is the gentleman now in favor of applying it to other railroad employees engaged in interstate commerce?

Mr. ADAMSON. I am in favor of applying it, as I stated nine times, to the people who operate the trains; and unless the gentleman sees proper to answer my question, I decline to yield further to him.

Mr. DENISON. Now, the gentleman—

Mr. ADAMSON. I decline to yield further, Mr. Chairman.

The CHAIRMAN (Mr. SHERLEY). The gentleman declines to yield.

Mr. ADAMSON. How much time have I used, Mr. Chairman?

The CHAIRMAN. The gentleman has used 10 minutes.

Mr. ADAMSON. I reserve the balance of my time.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield for a question?

Mr. ADAMSON. Will the gentleman reciprocate by answering my question, as the gentleman from Illinois [Mr. DENISON] refused to do?

Mr. MOORE of Pennsylvania. I will try to.

Mr. ADAMSON. Mr. Chairman, I reserve my time.

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] is recognized for one hour.

Mr. PARKER of New Jersey. Mr. Chairman, I have received so many applications for time that I will ask the Chair to notify me when I have used 10 minutes; and unless what I say is not understood, I shall ask my friends not to interrupt, because I am trying to save time for others.

In a dispute about wages, when a strike is threatened, and with it the great public calamity of the stoppage of business all over the country, it is the duty of the Government to use every means to mediate between the parties or to furnish to them some impartial court, whether of arbitration or not, to settle that dispute. But when this course is refused it is dangerous, if it be not beyond the power of the Government to fix wages in the way that was demanded by the party that refused the arbitration. And it is certainly most impolitic for any government to go ahead and do so without at the same time providing means to prevent the recurrence of such a calamity and dispute.

The controversy in this case is almost as far-reaching as war. Railroad men form an army of whom we are proud, an army of millions. The cream of that army, about one-fifth of the whole, are the trainmen who manage the movements of railroad trains, those tremendous engines of communication that roar from town to town. These men daily take their lives and our lives in their hands and are faithful to their trust. Their organizations have kept substantial peace for 40 years, obtaining what was needed for their members by negotiation and not by war. The last arbitration of the engineers and firemen with the eastern roads was in 1913, and with the western roads in 1915. Now the horror comes upon us that this splendid organization of splendid men refuse to arbitrate, and demand that the pay which was given them for 10 hours' work shall now be given them for 8 hours' work, so as to increase their pay by a quarter. They refuse to arbitrate. They say they will strike, and in order to avoid a strike it is proposed by this bill to give them this increase of wages for the next year.

I say they refuse all arbitration or any settlement except compliance with their demands. The railroad men are about 2,000,000 in number. The trainmen are about a fifth of them. While negotiations were pending, and in order to prevent a stoppage of all national life, and while the President was urging that some settlement be made, it was learned—I think last Monday—that they had actually set Monday next for the strike—only a week away. The President brought the matter to Congress, and he made seven different recommendations, not only of the provisions of the bill but also including provisions that we should authorize the Interstate Commerce Commission to recommend increases in freight rates when made necessary by wage increases; that we should also provide by law that a full public investigation of the merits of all disputes such as these should be instituted and completed under our mediation statutes before any strike or lockout might lawfully be attempted; that in case of military necessity the President might take the roads and draft men to operate them; and that arbitral awards should be judgments of records in courts of law and enforced by those courts. All these recommendations are ignored by this bill. It is a bill that simply grants an increase of wage, without any remedy. I disagree with the chairman of the committee. The time to see that a remedy is given is now and not hereafter. You will never get a chance again.

The trainmen are the best paid of the railroad employees. It was stated in the Senate hearing that the eight-hour day would mean \$61,000,000 a year of extra expenses to the railroads for the trainmen alone. This bill covers many others beside trainmen. It covers all men in any capacity having to do with the operation of trains. That means switchmen, flagmen, yardmen, telegraph men. There are a host of them, and what the difference of expense to the railroads may be we do not know. Now, section 1 of the bill provides that from January 1 next eight hours shall be the measure or standard of a day's work and deemed to be a day's work. It used to be 10 hours. By section 2 the President appoints a commission of three men to observe the operation and effect of this change. The time is important. They are to sit not less than six months nor more than nine months from January 1, 1917. They are to take 30 days for their report, and until 30 days after the report no reduction can be made by the railroads in the payment of 10 hours' pay for an 8-hour day. That means 11 months from January 1 next, or 15 months from now. This is not a temporary measure. By section 3, pending the commission's report and for 30 days thereafter, the pay for 8 hours shall not be reduced below the present standard day's wage, with a pro rata for extra time. This bill not only fixes 10

hours' pay for 8 hours' work, but forbids all reduction in such pay for 11 months from January 1, or 15 months from this date.

Now, Mr. Chairman, in the coal strike both sides were told by President Roosevelt that they must arbitrate, and that they should not be suffered to injure the public by stopping the mines, even if it became necessary for the Government to step in and operate those mines. That principle of compulsory arbitration would be still more applicable to public roads doing the whole transportation business of the whole country. But this bill, instead of enforcing arbitration, gives to the side that will not arbitrate all that they ask, except as to overtime, fixes this from 12 to 15 months without relief, and provides no means to prevent a strike in the future or to fix wages or freight rates. The Government should neither favor nor disfavor any person or body of men. Its sole object and action should be to protect the public. It might well prohibit a stoppage of the veins and arteries of our national life. It might well order that all these men should hold their places as public servants, free from any right of their employers to discharge them, and free from any right on their part to go out as a body and upset public business. It might provide a commission or court of mediation or arbitration to fix and settle all disputes. But Congress should not fix wages without full investigation, and no one should be able to force Congress to act in that regard without the opportunity to have such investigation made, and what is done, done fairly. [Applause.] I submit that now is the accepted time to perfect any such bill. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMSON. I yield to the gentleman from Indiana [Mr. CULLOP] five minutes.

Mr. CULLOP. Mr. Chairman, gentlemen on the other side who have been opposing this measure speak as if the situation now existing was one for which the employees of the railroad companies were wholly responsible. That is a mistake. The railroads have had fair notice for more than a year and have been negotiating with the employees for the settlement of this question, and have declined to accept any reasonable terms, and the responsibility for the situation to-day is as much or more with the railroad companies than it is with the employees of these companies. It appears from the light we have on the controversy that the companies have sought the critical situation and have done much to bring on the crisis, or at least they have not tried to avert it. The President placed before them, as the country knows, a fair proposition, in order to avert the threatened disaster which necessarily must result if a strike occurs, and they peremptorily turned it down and refused his good offices. The employees accepted his proposition and were ready to abide by what he offered. It is therefore clear the railroad managers are responsible for the situation which now confronts the country, and the people know it.

Now, what is the situation. These men are asking for eight hours' time as a day's work. Society recognizes that eight hours constitutes a day's work, and it is for the good of the employer himself that eight hours should be substituted instead of longer hours. He wants the best service he can get for the pay, and the men want to give the best service possible. They know exhausted, tired men can not give that, and hence it is necessary that the eight-hour day service be instituted. Experience, the best teacher of all teachers, has demonstrated that the eight-hour day in this service is the best for the public, the employer, and the employees, and should be adopted. Safety requires it, economy demands it, and humanity expects it, and employers in this line of service should grant it. Many economic reasons unanswerable support it, and to withhold it is a manifest injustice. These men that handle the trains perform an indispensable service to the country, and it is essential that while on duty they should be at their best, in order that their service may meet the public requirements. If they are not at their best, the service will not come up to the standard of public demands, and hence the transportation business, important as it is, will suffer. No one wants that, and all should unite to avoid it. This proposition, therefore, vitally affects us all. I stand for the eight-hour day in this department of the service, because it will promote efficiency and expedite the business, and, further, because it is right.

These men are performing enormous services and earning large returns for their employers. Their labors have been increased out of all proportion to the increase in their wages. Thirty years ago it took the same number of men to man a train that it does to-day, but the train did not consist of over 20 or 25 cars, and yet to-day the average train runs from 60 to 100 cars and sometimes more. The largest capacity of any car in those days was 28,000 pounds, and to-day it is 150,000 pounds. The same number, five men, the engineer, the firemen, the conductor,

and two brakemen composing the train crew are doing to-day in the railroad business what it took more than 25 men to do 30 years ago. And yet their pay has not been increased in proportion with their labors. The capacity of the car, the tonnage, the number of cars in the train make a condition that one man to-day is doing as much as five men did 30 years ago.

Does anyone contend that in order to secure efficiency, do justice to these men, that long hours of labor should be imposed? Should not our regard for the welfare of our fellow man protest against such an imposition? They face danger, encounter hazards to life and limb in the discharge of their duties, and render a service in which the whole people are deeply interested. Then we should see to it that proper regulations are thrown around their service to protect them. The public expect it and humanity requires it. We should not hesitate in doing what the public welfare requires, and I hope we will not. But it has been contended that this will impose a burden on the public which will require an increase of all transportation rates. I deny it and submit the facts which refute all such contention.

It seems these railroad managers cared nothing for the public. They did not recognize the public had any rights in the matter. It appears from what has taken place in the attempt to adjust the controversy the railroad companies treated the whole matter as a private concern of their own, disregarding the public welfare or the serious consequences to the country. In this regard they defied public opinion and stood ready to let the public suffer and bear the losses which would inevitably follow if a strike should occur. The blame for this situation is therefore upon them and not upon the employees, as some would have us believe. The people understand this and fix the responsibility where it properly belongs. The course President Wilson has pursued in this great crisis commends him as a courageous public servant, ready and willing to meet every responsibility necessary to serve the people.

What is the situation of the railroad company? Their earnings were never as much as they are to-day. They were never making as much money as they are to-day. Let us look at their revenues as shown by the Interstate Commerce Commission, as reported for the years ending June 30, 1915 and 1916, for 155 railroads. For the year ending June 30, 1915, their net receipts, after deducting all expenses, were \$741,369,887, and for the year ending June 30, 1916, they were \$1,019,632,711, a net gain of \$278,262,824. This is only for 155 railroads; others would increase this. Does this look like they would need an increase of rates to bear the additional expense, if any, on account of the adoption of the eight-hour day? Surely not. But this year the business is more profitable than ever before, and their earnings will break all previous records; and yet they are so parsimonious that they are unwilling to share any of their prosperity with their employees. Think of it. How can anyone believe it; and yet it is true.

It does not speak well for their generosity. These men are important factors in earning their great revenues, and they ought to be willing to share the profits as other industries are doing all over the country. It is an established policy now and one that has proven most profitable to the operators wherever tried.

The adoption of the eight-hour day will not entail additional expense. The schedules of moving freight trains now on all the leading roads is 12½ miles an hour; a day's work is 100 miles; and hence by their own schedules they have adopted practically the eight-hour day. Now, if the management will move their trains on schedule time they will perform the day's work in eight hours as laid out by them, and give the public a better service, and there will be no overtime and no additional expense, and if any such is incurred it will be practically negligible. This measure, therefore, secures efficiency and better service. The clamor about an enormous additional expense has no substantial basis and has only been injected into the controversy for the purpose of scaring the people and arousing public opinion against the just claims of these employees. That has been its only purpose, and the sponsors of it should be exposed and condemned, as they surely will be when the facts are made known. It is a subterfuge trumped up for the purpose of defeating the merits of this great controversy. It will not succeed, because it is not true.

The situation with the roads is this—they are overcapitalized, and it has brought about the condition which embarrasses them and imperils their existence. Their high financing is bringing them to grief and well it should. If we were to take the money that is actually invested in the railroads and fix freight rates upon the real investment and wages upon it, and estimate the earnings, their income would be enormous. One great system in this country last year made a net earning on its actual in-

vestment of cash of 266 per cent, and the records show it. But their overcapitalization absorbed their income and deprived real investors of their profits. That is the situation. And yet the earnings have been diverted because of overcapitalization so that it does not reach the proper channel for the development of railroad business in this country.

Now, if this legislation was not enacted, what would be the situation? It is not a question as to how it is brought about, but before next Saturday night every factory, mine, and business would suffer, would be compelled to close down, employees would be turned out of work, and business would be at a standstill, paralyzed, all because the railroads have elected to reject a fair proposition and thereby punish the innocent and the helpless.

It is time Congress exercise its functions and regulate this matter and have the great disaster averted. The passage of this measure will restore conditions and compel them to do what they are refusing to do.

The CHAIRMAN (Mr. SHERLEY). The time of the gentleman has expired.

Mr. PARKER of New Jersey. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. STERLING].

Mr. STERLING. Mr. Chairman, there is no use for gentlemen to talk about this being an eight-hour law. There is no provision in this bill to create an eight-hour day for railroad men. This bill will not shorten the workday of a single man a single minute. They will work just as long after this becomes a law as they do now. It is the simple question as to whether Congress shall increase the wages of these men 25 per cent. They can work now to the extent of 16 hours per day. When this bill is passed they can still work 16 hours per day.

The man that works 10 hours now and gets \$10 per day gets \$1 per hour. When this becomes a law the man will get \$10 for eight hours' services, or \$1.25 per hour. He will get \$1.25 for every hour he works over eight hours. So that the man that works 10 hours now for \$10 will get \$12.50 for 10 hours' work under this law. The man that works 10 hours for \$5, or 50 cents per hour, will receive 62½ cents per hour when this becomes a law. There is no limitation at all as to the number of hours that he shall work, except the limitation that is already in the law, of 16 hours per day as the maximum day.

Now, that is the question, as to whether the Congress of the United States in order to avert a strike will undertake to increase the wages of the trainmen of this country 25 per cent without knowing whether or not it is just or unjust. I realize that it is an emergency measure. We may console ourselves now by saying that it is a temporary measure, but the same influences that prompt us to pass this bill to-day will prevent Congress from ever changing it. The same powerful organization—and I have nothing to say against the splendid manhood of the men that run the trains in this country—but that same powerful organization will be here at the doors of Congress forbidding that the change shall be made if, after the investigation provided for, it is found that the increase is unjust.

It is useless for gentlemen to rail against the railroads. It is of very little importance to them whether or not this bill becomes a law. They say that, in their opinion, it is an unjust demand on the part of the men. I do not know whether it is unjust or not, and I undertake to say that I know almost as much about it as other men on the floor of the House. None of us know whether it is a just demand or an unjust demand. The railroads say it is unjust. The men themselves claim that they are entitled to this increase of wages. The railroads of the country will not pay the increase. The people that we represent, our constituents throughout the length and breadth of this land, will pay this increase. It will add to the cost of transportation the sum of \$60,000,000 per year. It is a question now whether or not without investigation, whether or not without knowing the merits of the demand of the men or the claims of the railroads, we are willing to put upon the people of the country the burden of \$60,000,000. I submit to you that it ought to be investigated that we may determine where justice lies. I propose to offer an amendment to the bill which, if it will not meet the present emergency, it will safeguard the future. I want to submit to the Members on this side and on that side that the President of the United States in his message to Congress urged that there be a provision for arbitration, for investigation, to safeguard the future.

It is eminently a fair demand upon the part of the President, and why should we not add to this bill a provision that in the future when controversies of this kind arise there shall be a full and fair investigation. Add it to the bill as it is. Pass this bill, if you will, upon the ground that it is an emergency and for the purpose of avoiding a strike, but put in this bill a

provision by way of amending the present law providing for a Board of Mediation and Conciliation requiring an investigation before a lockout or a strike.

It may be that some gentlemen here are not familiar with the law of mediation and conciliation as it is now. It provides for a board to be appointed by the President, to whom both sides or either side to a dispute may apply, or the board itself may proffer its services to reach an amicable adjustment of the differences. If they fail in that, it is the duty of the board of mediation to bring about arbitration, if it can, and the law provides the machinery for an arbitration. But there is nothing in the law now that will prevent a strike or a lockout while the proceedings are going on.

Mr. QUIN. Mr. Chairman, will the gentleman yield there? Do you believe in compulsory arbitration?

Mr. STERLING. I do not believe in compulsory arbitration, and I have not suggested anything that even hints at compulsory arbitration. The law as it is now gives the men the right to agree to arbitrate or to refuse to arbitrate, and if they do arbitrate it provides a plan by which they may arbitrate; but this amendment which I shall offer will be a supplement to the mediation law as it is now, providing that in case the parties refuse to arbitrate, or if either party refuses to arbitrate, the board of mediation may order an investigation, to be made by a board to be made up of men to be recommended by the two sides and appointed by the President. It makes unlawful a strike or a lockout until the investigation is completed. The investigation will cover all points at issue and Congress and the country will know who is right and who is wrong.

Why not be fair to both sides, and especially let us be fair with ourselves. We ought not permit ourselves to be forced into this important and far-reaching step until we know what is the right thing to do. I almost fear a panic has seized upon Congress and that it may take a step that it may want to retrace when it is too late. We are not prepared to pass on these questions until the investigation is had. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ADAMSON. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. BRITT].

Mr. BRITT. Mr. Chairman, with all my heart I favor an eight-hour workday. This is no change overnight; nor is it born of the stress of the pending industrial dispute. It is the burning conviction of a lifetime. A nation-wide railroad strike, awful as it would be, could give but few new reasons for an eight-hour day. It could only emphasize the old ones. The principle is old, basic, and fundamental. It involves the well-being of the great, toiling, wealth-producing masses, the bulk of the human race. It is not merely a question of higher wages—of more dollars. That is highly important, but only incidental to the larger issue. The overshadowing question is whether a day's work shall be so long as to leave the toiler's body wasted, his patience worn, his spirit vexed, and thus render him unfit for the high office of father or husband or citizen. Our bodies and our souls have their limitations. We are not men of steel. We have not God's patience and forbearance. Under modern strain we go to pieces easily; we snap like a thread; we break like fragile pottery. We must lessen this strain. An eight-hour day for work—all work—will be a tremendous stride in that direction.

Mr. Chairman, my limited time does not permit elaborate discussion. But my whole heart is in this measure. It should be passed, and passed now. It will avert the strike. That will be an achievement of incalculable value. But in preventing an impending catastrophe we shall at the same time do a great and lasting good. We shall, with a single stroke, meet an emergency and establish a great economic principle. The railway trainmen should have an eight-hour day. All questions of wages can be properly adjusted under the provisions of this bill. But our action will go infinitely further. It will be the beginning of an eight-hour day generally, that goal for which the toiling masses and those who toil with them in spirit have so long striven. God knows I would not do the railroads any injustice. I have always been their sincere friend. I should be ashamed to wrong those great agencies of good, those mighty pioneers of civilization, simply because they are big and well to do. It would be utterly unworthy of me or any other man. No harm will come to them under this bill. Rates should be and will be so adjusted as to do them full justice. They will be gainers, not losers, by this change. Only contented, well-paid employees can be truly efficient. It will not deepen the breach between capital and labor; it will heal it. It will not aggravate their differences; it will compose them.

I trust there will not be a single vote against this bill. We ought to pass it unanimously. Let the voice of party be hushed. Let the roaring campaign be still. For this great task our consciences ought to be quickened, and our vision should be clear as the bright sun of this day. And let us not be unmindful of the far-reaching effects of what we are about to do. If we pass this bill, surely our deed will live after us. Our children will rise up and call us blessed. An eight-hour day for railway trainmen means an eight-hour day for all American labor. An eight-hour day for American labor means the beginning of an eight-hour day for labor throughout the world.

Mr. Chairman, I am impatient for the previous question and an opportunity to vote. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. BRITT. Mr. Chairman, I will ask the gentleman for one minute more.

Mr. ADAMSON. I regret that I have not got it.

Mr. PARKER of New Jersey. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. GILLET].

Mr. GILLET. Mr. Chairman, this bill has one merit over the message of the President. It is frank and explicit. It does not pretend that it affects merely the hours of labor, but states that its purpose is to give the same pay for 8 hours as is now given for 10; that is, it increases the pay 25 per cent. The message ostensibly was concerned merely about the question of hours, and might mislead one to think that the vital question was hours of labor and not the amount of wages. Neither the railroad employers nor employees pretend that an 8-hour working day is practicable on railroads, and the President was well aware of it. Some men now work less than 8 hours, some more than 10. The emergencies of railroad service obviously make it impossible to regulate hours as in stationary employments. The arrangement of hours and pay are complicated and must differ on different stretches of road. What is really aimed at now is a 25 per cent increase of wages, and, however the President might endeavor to beloud it, that has been the well-understood issue between the parties from the first.

When that is the issue, my sympathies are always instinctively with the employed, so long as they do not resort to violence, because I believe that generally wage earners do not get their fair share of the products of their toil; and though I recognize that an increase of wages must generally be paid by the public and adds to the cost of living, yet I am ready to stand my share.

I do not mind the high cost of living so long as the extra cost goes into the pockets of those who need it most. In this case I hope the men's demands are fair and that they will obtain them. But I do not know whether they are fair or not, and not one member of the committee which reports this bill knows. But under threats from men who refuse to arbitrate you are going to enact legislation of whose merits you are ignorant. Certainly neither the representatives of the employers nor employees can give us a disinterested or impartial judgment. You are passing this bill, not because it is right, but because you are threatened. That is not only humiliating but is sure to breed future threats. Arbitration is the only fair method we know of to determine what is just. This differs from most strikes in two ways: First, if persisted in, it would vitally affect the business, the comfort, and the health of the whole Nation. That of itself should exact the greatest forbearance. Second, the employers are forbidden by law to increase their prices to compensate for increased expenses. They say they can not afford to raise wages unless they are allowed to raise rates. Whether that is true, I do not know, nor do you. It can only be determined by adjudication. I can conceive of no case where both because of its importance to the public and its intrinsic complexity, a determination by an impartial tribunal is so necessary, and yet this committee, without a single hearing, takes sides and determines the result for one year. Of course, the blame for this rests primarily on the President. It seems to me that when the case was first brought to him he failed signally to measure up to his duty. He had a disagreeable and dangerous task. It was shortly before election. There were 400,000 voters on one side and only 400 on the other. He might well have wished to be spared a decision, as we might here to-day. But he was the chosen representative of the people. Great honors imply great responsibilities. They ought to be met with courage. If in the name of the public, which was so deeply concerned, and with the weight of his great office, he had demanded arbitration, I do not believe it could have been denied. One hour of Grover Cleveland or Theodore Roosevelt would have settled it. We needed a President of courage and resolution, who would listen to the voice

of justice rather than of expediency, whose eye would look to permanent results and not to the coming election. Now, this House blindly and obediently follows the President's will. You allow yourselves to be held up by momentary fear and make no provision for future exigencies, but simply grant what is demanded at the moment by those who refuse to arbitrate. Such action is the surest invitation to future holdups. I believe this is preeminently a case for arbitration and I am not willing, under threats, to sanction a settlement whose justice this House is not allowed time to investigate. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. Mr. Chairman, I am more than gratified to know and hear at this late day that the honored Representative from Massachusetts [Mr. GILLET] finds some good in that great Democrat, Grover Cleveland. I doubt, however, very much whether the gentlemen whom he has named can be coupled in the same class—to wit, ex-President Grover Cleveland—with ex-President Theodore Roosevelt. When the gentleman from Massachusetts undertakes to say that the President of the United States has failed in his duty, and failed to suggest, or even attempt, that arbitration should be had, I think that he is not speaking by the book. The President of the United States, Woodrow Wilson, did suggest, and almost demanded, from both of these parties that they should arbitrate. But as Grover Cleveland said in his day, this is not a theory that confronts us, but it is a condition, and while every man of this House, of honest opinion, except he who is a strict partisan, is willing to admit that there may be some doubt about the ultimate wisdom of this legislation, and while as a lawyer I am willing to admit that it is in part an experiment, we as honest men here must recognize that the country is sick at this time and it needs an heroic remedy, and the only remedy that now appears in sight is this legislation. I want to ask the gentleman from Massachusetts [Mr. GILLET], or the gentleman from New York [Mr. BENNET], if you please, what remedy would they propose other than this. I have been assured by the labor representatives, or at least by one of the gentlemen of this House who is in touch with them, that if this legislation is passed to-day and affirmed by the Senate of the United States it will operate to prevent a strike. And while I, as a conservative Democrat, believe in the old principles of constitutional democracy, doubting the expediency and wisdom of this legislation, I believe that the result which would be obtained by not passing this legislation would be more disastrous to the country at large than by passing it, and therefore I am willing to vote for the proposition and take my chances in that way.

One question has been raised here that I desire in my feeble way to answer and possibly to refute. It has been said by my honored colleague upon the Interstate and Foreign Commerce Committee [Mr. STERLING] that this is an attempt, and not only an attempt but a direct method, of raising wages. I grant it. No man who is honest will be able to say that this bill does not only in contemplation but in fact regulate the wages of the employees of the common carriers. But now, my friends, let us see for a moment whether Congress does not have the right inherently to regulate wages of common carriers engaged in interstate commerce.

The general proposition is this, and I do not assert it merely as a lawyer, but reasoning from basic principles, that the Interstate Commerce Commission has the right to regulate rates. No man will contradict that. It has been done, and affirmed. If it has the right to regulate rates, then it must take into consideration everything that goes into the making up of those rates, and one of the great essentials in making up the rates is the expense in the overhead charge. That expense consists largely of the wages of the men who work upon the railroads. If, then, it has the right to fix rates and must take into consideration the wages paid to the operatives, which go into the expense of making up the charges upon the road, I say as a matter of clear reasoning, as a matter of actual sequence, the Congress of the United States has a right to determine the wages that shall be paid. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER of New Jersey. Mr. Chairman, I allot five minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Chairman, I am opposed to the passage of this legislation at this time. If we were to have an opportunity to go into the merits of this case, if we were to have an opportunity to exercise something like the same judicial and magisterial duty toward the parties to the controversy that we enjoin upon and demand from the courts that this Con-

gress creates, then it might not be unlikely that the testimony and the evidence so submitted would convince me that there was some truth and justice on the side of the men who demand the eight-hour day. We should keep in mind, however, throughout all this discussion, as has been several times intimated here, that this is not a demand for an eight-hour day which shall limit the hours of physical labor to eight hours in a day. It is a demand for an eight-hour basic pay day, consequently placing it on altogether another footing. However that may be, it seems to me that the only thing which presents itself here to us to-day as men intrusted with the responsibility of government, and men upon whose shoulders for the time being—however unworthy individually we may be—the self-respect and majesty of this Government of ours rests, is this: When any man or set of men, whether they be friends, schoolmates, fellows, companions, trusted confidants, or kinsmen, hold up the Congress of the United States and say that they shall have certain legislation passed between this hour and Saturday night or they will bring national calamity, bloodshed, suffering, starvation, misery, and want upon this land, it is time for somebody to stand up in the United States and say that the Government of the United States is greater than any combination of men under it. [Applause on the Republican side.]

Mr. HASTINGS. Will the gentleman yield for a question?

Mr. GREENE of Vermont. I can not yield. That is the principle now, it seems to me, that confronts us here in this issue, and it rises preeminently, unspeakably, above the mere details of the merits of this controversy. Instinctively, and by reason of my early surroundings, from my education and environment, I am in sympathy with men who are toiling for a wage. I could tell you something about it if it were not of a peculiarly personal character and had no real bearing on this issue. I could persuade and convince you that I am speaking sincerely when I say that. But I say to-day, as we stand here facing this proposition, that the merits of this dispute are no longer involved until the Congress of the United States asserts its dignity and majesty and self-respect and refuses to be held up by anybody at any time under any threat or under duress. [Applause.] Once begun, where is this surrendering to end? Men may say under these circumstances it is necessary to have this emergency legislation, because by doing this thing under pressure and under duress in the very few hours that remain to us we will avert the horrors of bloodshed and a strike. Who will be responsible for that strike? Who will be responsible for the bloodshed and the horrors, and want and suffering and privation that may follow because of it? Will we? Are we men to be held responsible for those who set out to bring about a national calamity on the land because we do not yield to them and grant their demands under the terror of a threat? Where will the moral responsibility rest when the people of the United States wake up and find out who did this thing? It was not much more than 50 years ago when men said in this very Chamber if we did not yield to a historic demand there would be horror and bloodshed and civil war. "For God's sake let the erring sisters go and avert bloodshed and war," they said. But there were men in those days who stood up like the men they were—

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Vermont. Mr. Chairman, I ask unanimous consent to extend by remarks in the Record.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. MANN. I object.

Mr. ADAMSON. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BUCHANAN of Illinois. Mr. Chairman, I want to reiterate that the Brotherhood of Railroad Trainmen have not asked or demanded this legislation. They are agreeing to accept it as a compromise, and, if I understand the situation properly, the railroad men of the country do not care much whether you pass the legislation or not.

Now, there is much said here in regard to the great public. We are always appealing to the sympathy of the public. I want you to know that the public, when it comes to the question of considering an eight-hour day, always votes in favor of it. In the State of Colorado, I believe in 1901, they voted there about three to one for an eight-hour day. Some years ago they took a vote in the State of New York, and they voted there by an overwhelming majority for an eight-hour day, and that carried with it the authority to the State to fix the wages. So do not permit yourselves to be deceived about the dear public in regard to this matter, because they are in harmony with the eight-hour day.

Now, there have been many—probably unintentional—misleading statements here with regard to what the trainmen are asking. It is said that they demand overtime for every hour that they work over eight hours, which is misleading, because on a division 125 miles long, under their proposition, overtime would not accrue until the crew had been on duty 10 hours. In other words, 100 miles and eight hours are synonymous. They measure the day by eight hours or 100 miles. On a division 150 miles in length the crew must be on duty 12 hours before overtime accrues. So that a railroad that operates a division 150 miles in length is not penalized on account of the eight-hour day any more than a railroad that operates a division 100 miles in length. The principle is simply this: That the freight train, from the time it leaves the terminal until it arrives at the opposite terminal, must make an average speed of 12½ miles an hour.

In regard to investigation, we have all the information that any man could want in regard to this matter. We have just received the Industrial Commission's report, that made a thorough investigation of the industrial conditions of the country, which favors the eight-hour day. We have the report from the Interstate Commerce Commission, which shows that the railroads' net receipts are enormously increased and that they can afford to pay this eight-hour day. We have over 20 per cent of the mileage of the railroads now operating under the eight-hour day, and it is no longer a system that has to be tried or is to be put on its merits. The roads now operating under the eight-hour day have not lost anything in the way of an increased expense in operation. It is practically proven now that the eight-hour day can be applied with very little, if any, additional expense.

What the brotherhoods ask is that the 12½ miles per hour be met. They do not want overtime. They want them to stop overloading trains so that they can not run over 12½ miles an hour. Their demand is reasonable. In my judgment, if this Government, both administrative and legislative, had kept their hands out of it they would have had granted to them the eight-hour day. [Applause.]

I want to say that those who are in control of the railroads of the country are the stock jugglers. I want to exclude from that, however, the presidents and the managers of the railroads. They are men who have come up from the ranks, and, as a rule, they are able and liberal gentlemen, and if they had been left free to act with the representatives of the brotherhoods themselves, in my opinion, it never would have reached the contention even of a threat of a strike. But it is the stock jugglers and manipulators, that element that is robbing not only the public but oppressing the employees of the railroads and robbing the stockholders, as in the case of the New York, New Haven & Hartford, the Rock Island, the Alton, and several other roads that have been investigated. This can be shown by the reports of the Interstate Commerce Commission, and those are the crooks that you are protecting, and it is the men who render the great service to the country of operating and making it possible for our splendid transportation systems that you are condemning when you criticize the men who are representing the brotherhoods here in Washington, carrying out the instructions which they have from their organizations. [Applause.]

Mr. PARKER of New Jersey. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. Fess].

The CHAIRMAN. The gentleman from Ohio [Mr. Fess] is recognized for 10 minutes.

Mr. FESS. Mr. Chairman and gentlemen of the House, I am well aware that a vote against this proposition to-day will be scheduled as unfriendly to organized labor and to the eight-hour day. I will submit myself or subject myself to the criticism that I am unfriendly, it matters not what has been the record in the past; having stood for the eight-hour day in the Ohio constitutional convention, having voted for it every time it came up in reference to public works here in Congress, yet if I vote against this measure to-day, it will go throughout the country that I have changed my position.

I am willing, gentlemen of the House, to subject myself to that criticism, but I want it distinctly understood that when I vote against this measure, as I shall, I am voting not against the eight-hour day, for this is not an eight-hour-day proposition.

If we would act upon the suggestions couched in the President's message, that society has pronounced in favor of eight hours on the basis of humanitarian grounds, then legislation for eight hours would stop the day's work at the end of eight hours, because it would be inhuman to compel people to work longer. There is not a man in this House but knows that there would be a storm if we would put any such proposition as that into law, that those engaged in the carrying trade shall end their day's work at the end of eight hours. Nobody claims that. You

can not do that in transportation, and this is but a demand for an increase of wages, giving 10 hours' pay for 8 hours' work.

Now, that probably ought to be done. But one side says, "We can not do it upon the present basis of rates." I do not know whether they can or not. The other side says, "You must do it without reference to whether you say you can or not." Here is a point of dispute, and no one side probably has a monopoly upon the information as to the ability to carry out that contract. And here are two forces, representing the greatest industrial possibilities in the world, in a contest, both sides presenting reasonable claims. And now we find Congress in a panic-stricken situation, with one side of the controversy saying, "We want the money," and with the head of the Government saying, "I wish you could have it." That moment, with the prestige of the head of this Government back of one side of the contention, arbitration was foreclosed; and that situation is the result of a proposal which operates as a command that one side must surrender its claim of submission to arbitration. The contest here is not upon an eight-hour day. The contest here is whether in a struggle in which one side requests and the other refuses to submit the contest to an impartial bureau or tribunal for settlement in the light of facts that I do not have and you do not have, whether Congress should so act as to abandon the principle of arbitration.

I will vote against this proposition, first, because I do not want to legislate in a panic, that complicates and involves the business and the welfare of 20,000,000 of people on one side and 80,000,000 upon the other side.

I can not vote for this measure because we foreclose the possibility of an arbitration when an inevitable conflict will come again. No man is so blind as to think that this temporary measure is going to settle this controversy. No sooner will it be decided on one side before new demands will be made later on. That necessitates an impartial hearing, where facts can be brought out and legislation can be legitimate because it is intelligent and not enacted in prejudice, because somebody holds before us a threat, "If you do not give it to us by a fixed hour, we will do the worst."

I will not vote for any measure that is held up to me in that way, notwithstanding the fact that I have tried from the beginning to be fair with the people with whom I always have lived and worked, for I have no sympathy for the man who knows not toil. I know what toil means as well as any man on this floor, because I have traveled that road.

I can not vote for this measure, because it not only closes out arbitration but because it is a foolish makeshift. I want to say to my friend, whom I so much admire, the chairman of this committee, that section 2 provides for a commission and limits the time in which it shall report to not longer than nine nor shorter than six months. What are they to report on? Conditions as to the working of this proposal. It is to be a report without recommendation.

Hear me, men: Suppose the commission reports adversely to this proposal? Is there any man here so foolish as to think that that report could ever become effective? Why is it that the brotherhoods refuse to arbitrate? Listen to the statement yesterday of Mr. Garretson, the genial, able, great representative of one of the finest organizations of men that ever lived. Mr. Garretson said: "We can not arbitrate a question involving what in many places is already admitted. We have got the eight-hour day in many places. We will not throw open the question for arbitration now conceded in many places to run the risk of losing what we have."

Suppose this law were enacted, with section 2 giving the authority to the commission to report the result, and the commission should report against this proposal in section 1. The same thing would come up again. "We have had it by law; we will never surrender it by arbitration," they will say. And what will it amount to?

I can not vote for the measure. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ADAMSON. Mr. Chairman, before yielding to the next speaker, I desire to say that the pathetic remarks of my distinguished friend from Ohio [Mr. Fess] appeal to my reverence for sanctified things, but his appeal reminds me that the sanctity of arbitration has had a shifting basis in Congress.

When I came here first the men were all demanding arbitration, and the carriers were all refusing. Now, the situation has somewhat changed in their opinion as to popular support, and the railroads now suddenly have discovered the sanctity of arbitration.

We have not tried to include arbitration in this bill, because we imagine it would take about six months for everybody to

agree upon an arbitration bill, and we could not get it through in time to avert the strike; and the expense that it is assumed will result from the adoption of an eight-hour law now is a bagatelle as compared with what the public would suffer every day if the strike were ordered.

It is a mistake for the gentleman to assume that the adoption of an eight-hour law would greatly increase wages. We have provided for the appointment of a commission to determine that, and to report to us at the next session of Congress.

At the next session of Congress or some subsequent session, as soon as we can when we have time, when we have learned all we can about adjusting the transportation question to the eight-hour law, when we have put the trimmings on it, when we see whether the men are being paid unconscionably high rates, when we see whether the people want them to get too much pay, and when they are getting too much pay, we will adjust everything to the eight-hour law. It is not a makeshift, it is not a temporary thing. The eight-hour law is being adopted. All the other things will be legislated about when we have time. I do not know anybody who is terror stricken. I know some people who are exercising common sense, and I think it behooves all of us to concur in action which is sensible, and to do what is necessary to do at the present time and postpone that which is not necessary to do now for the purpose of debating it when we have more time. [Applause.]

I yield to the gentleman from Ohio [Mr. COOPER] five minutes.

Mr. COOPER of Ohio. Mr. Chairman, I doubt if there has been any piece of legislation which has come before the House at this session as important as this which we are now considering. I myself am deeply interested in this legislation. For 20 years prior to my coming to Congress I sat in a locomotive cab on the Pennsylvania lines. If I have time, in just a few minutes I would like to explain the proceedings of this controversy to the Members of this House, if I can. It seems that several months ago the four organizations of the railway brotherhoods met together and decided to take concerted action and go before their employers for the betterment of their condition. They met with their employers and were in session with them for month after month. Finally it came to the point where neither the employer nor employee could agree on what the other wanted, and they gave up the negotiations, and the grant officers of those organizations sent word back to the representatives of those organizations, telling them just the condition they were in. In the meantime they sent out the strike order to have it voted upon by the members of the brotherhoods, and about 94 per cent of all the employees of those great organizations voted for a strike in case the operators would not grant to them the concessions which they asked for.

Then President Wilson called the heads of those railroad organizations to Washington and submitted a certain proposition to them. They said they were not in a position to accept that proposition until they had first talked with the 640 chairmen, who were representing the various organizations throughout this country. So Mr. Wilson sent for the 640 chairmen. They came to Washington. The President submitted the proposition to them, and then they went into secret conference in one of the buildings in this city, and after a long debate a majority of those 640 delegates agreed to accept the proposition of President Wilson. Then President Wilson called in the operators, and you all know just as well as I know that they would not accede to the proposition which the President had suggested.

Now, I have heard much here to-day that this is not an eight-hour proposition, but that it is robbing the railroad companies by making them pay the employees 10 hours' wages for 8 hours' work. Under the present schedule of operating trains on the railroads the freight runs on a 100-mile basis. They are given 10 hours in which to make 100 miles, or at the rate of 10 miles an hour. Now, the representatives of the brotherhood want a change. They believe they could make that same run in eight hours, at the rate of 12½ miles an hour for the basis. They say they can put that proposition through. They claim they can run the 100 miles in eight hours, at the rate of 12½ miles an hour. If they do that, in what way is it going to increase the expenses of the railroad operators? If they carry out that proposition they will haul their trains as far in eight hours as they have been given 10 hours in which to haul them.

I have heard much about the railroad men being the aristocratic laboring men, and the highest-paid labor in the United States.

Mr. GARDNER. Will the gentleman yield?

Mr. COOPER of Ohio. Not now. We have men stand up here and say that these aristocrats of labor, these men who

are the highest paid mechanics in the United States, come to Congress and at the point of a gun they hold up Congress and try to make them pass this legislation. The railroad men did not ask you to pass this legislation. They did not even suggest it. There was an effort made on the part of the Chief Executive of this Nation—

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Ohio. May I have two minutes more?

Mr. ADAMSON. I can not do that. I will give the gentleman one minute more.

Mr. GARD. The gentleman from Georgia has promised to yield to me two minutes. I will yield those two minutes to my colleague.

Mr. COOPER of Ohio. I thank the gentleman. I say there was an effort on the part of the Chief Executive of the Nation to stop this strike. The question was put to the representatives of the brotherhoods. The strike order had already been sent out, and this proposition here was suggested to the brotherhood men and they were asked, if this bill were passed, would they stop the strike on Monday. They immediately said, "Yes; if you put this proposition through we will send out an order for the strike to stop, and not to be carried out on Monday next." They did not ask for this legislation. They waived the most essential thing—time and a half for overtime.

I know the conditions of the railroad men, the conditions under which they work, the conditions under which they live; and when a man is deprived of the privileges of this life, which the majority of railroad men are, going out at 5 o'clock in the morning and getting home at 9, 10, or 11 o'clock at night, Sunday and every other day, when they can not have time to associate with their families and loved ones at home like the rest of the workmen of this great country, it seems to me they have a perfect right to take the stand that they have taken in going to their employers and asking them to make their conditions better. But I want to try to impress upon this Congress, and upon you men who have stood up here and said that the railroad organizations have been holding you up at the point of a gun, that they had nothing at all to do with bringing this legislation to Congress. It was suggested by your President and by your majority floor leader.

Gentlemen, we are facing a great calamity. I do not say that this bill is satisfactory to me, but if this strike comes next Monday morning it will absolutely paralyze the country. You talk about the public; what will the public do if the railroads are tied up for one week? The railroad operators say it will cost \$60,000,000 to operate the railroads under this system; the railroad employees say \$27,000,000. Let us be conservative and say it might cost \$40,000,000. What is \$40,000,000 to the people of the United States against a tie-up of the great railway systems of this country? I believe the entire country would lose more than \$40,000,000 in one week's time. Gentlemen, we are facing a condition, and I realize that great responsibility rests upon us. We are facing this condition, and we must meet it one way or the other. As far as I am personally concerned, I am going to vote for this measure because I know it is the only way to avert this great crisis which is ordered to take place next Monday morning unless we pass this bill. [Applause.]

Mr. PARKER of New Jersey. Mr. Chairman, I yield five minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, I want to take one moment of time to show the history of railroad legislation and its connection with this matter. Each one of you knows that there was a revolt among the people of this country 10 or 15 years ago against conditions affecting capitalization of railroads and a revolt against excessive rates. I took a somewhat prominent part in the discussion of that question, the same as other men did, and some part in the enforcement of remedial statutes. I think you overlook some things. There was a revolt because the railroads were overcapitalized. There was a revolt because the men working for the company could not get safety appliances that they needed and deserved, and there was a revolt because the rates were too high.

We gave the men proper safety appliances; we gave them more compensation; we gave them headlight laws; we passed some laws affecting overcapitalization; and we in many cases lowered the rates. I happened to be connected with some of the rate cases against corporations and railroad companies, know something of the situation, and know that this is a wage controversy, and if this legislation is passed it will be absolutely necessary to raise railroad rates.

We were fair to the public and fair to the railroad men in the attitude we took, and the gentleman from West Virginia then was standing shoulder to shoulder with many of us looking at both sides of the question. He is now looking only at one

side. He is not willing to raise the rates at the time he is raising the overhead expenses. If, without investigation, you put the railroads to this extra expense of \$40,000,000, then, to be absolutely fair, it is necessary that you allow them to raise their rates. This follows, because you will not allow them to raise rates without a full hearing.

I believe that every man on this side of the House believes in an eight-hour day. This is not an eight-hour-day dispute. This is a wage dispute, and if you are going to pass legislation affecting one side you ought to be fair and pass legislation affecting the other. I am going to support the motion to recommit which will be submitted by the gentleman from Illinois [Mr. STERLING], because we ought to have arbitration, and compulsory arbitration, and I want to say that I was forced to this conclusion by arguments of railroad employees. The people of the United States should never again be put up against a situation of this kind, with a shotgun held at their breast. I believe that we ought to be as fair to the railroads at this time as we have been fair to the men in the past [applause], and just as fair to the public, who will finally foot the bill. The Interstate Commerce Commission has based its rates on known expense—overhead, operating, and so forth—and if we are to undo its work it ought to be undone, it should be done, without changing the ratio of rates to expense. If this is not done, I must oppose the measure. I yield back the balance of my time.

Mr. PARKER of New Jersey. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, there is another side to this question than the economic side, and that is the side that is purely political. The gentleman from Georgia [Mr. ADAMSON] declined to answer my question a little while ago. Now I propose to put up to him something that he may answer in his own time.

On July 15 last there was a slight controversy over joint resolution No. 60, an interstate-commerce resolution, during which the gentleman from Georgia was asked whether that particular resolution had anything to do with the dispute between the railroads and the employees in regard to an eight-hour day. Mr. ADAMSON said:

Not a particle.

Mr. HUDDLESTON. Is any action to be taken with reference to it?

Mr. ADAMSON. The resolution relates to the method of regulating transportation corporations that do a transportation business.

Mr. HUDDLESTON. Has the gentleman's committee any resolution before it in relation to the dispute between the railroads and the employees on that matter?

Mr. ADAMSON. Four months ago when the clouds gathered above the horizon the Republican leader and I investigated to see whether there would be any strike. I will not say where we went, but we were assured by the representatives of the employees that there would be no walkout and they did not mean to stop the wheels, and the Interstate Commerce Commission did not favor any investigation, and I concluded that no action was necessary and dropped the subject.

Mr. MANN. I hope the gentleman will not put me into that agreement.

That was on July 15 of the present year, and the gentleman from Georgia [Mr. ADAMSON] had the information in his possession for four months—the President told us it had been on a year—and he came to this House with the positive assurance given to him by men whom he vouched for as knowing that there would be no strike or walkout, and that there would be no necessity of an investigation by the Interstate Commerce Commission. Now, in his time the gentleman from Georgia may have some explanation of that statement. This matter has certainly been pending for a long time, and it is just possible that it may have been held up until the campaign opened, so that the President and his party could make the most of it. If this was the play, apparently it has not succeeded.

The facts as they have been revealed to us here show that the President has made a muddle of it. Instead of coming out the hero of the workmen of the country, the President appears to have aided in putting the workmen up against a strike to the very great detriment of all the people of the United States who will be affected thereby, and from which we are expected to extricate those concerned.

Mr. ADAMSON. Mr. Chairman—

Mr. MOORE of Pennsylvania. Mr. Chairman, I can not yield. This legislation is being forced upon us now overnight, in spite of the fact that the administration and the Committee on Interstate and Foreign Commerce had it in their power for six months to bring in some legislation that might have relieved the situation.

Mr. ADAMSON. Mr. Chairman—

Mr. MOORE of Pennsylvania. I regret I can not yield. Each side in this controversy is endeavoring to place the responsibility for what may ensue upon the other side, but the real responsibility for the deplorable condition, for the strike itself, if it should occur, will rest largely upon the present in-

cumbent of the White House, although I am inclined to include with him the chairman of the Committee on Interstate and Foreign Commerce, the genial gentleman from Georgia [Mr. ADAMSON], who assured us last July that no strike would take place.

Mr. Chairman, for 12 years we have had in effect a law under which Federal officials mediated disputes of this kind and brought about arbitration where arbitration failed. During all those years the board never failed to secure a settlement, and no President ever before saw fit to inject himself into the controversy and take it out of the hands of the board provided by law to handle it. And just here let us call as witnesses our distinguished labor Representative from Illinois, Mr. BUCHANAN, upon the Democratic side, and our locomotive engineer friend, the gentleman from Ohio, Mr. COOPER, on the Republican side, who tell us in substance, in the speeches they have just made, that if the Executive had "kept his nose" out of this situation there would have been no need for any legislation by Congress at all. [Applause on the Republican side.] But when the present situation developed to a degree that it became threatening, the word began to come out through the papers, not only that "the President was watching the situation closely" but that he was prepared to take a hand when the time came and bring about a settlement, if the provisions of the mediation law should fail.

When the brotherhoods' leaders returned their strike vote to New York and resumed conferences with the managers' committee, it was realized that a critical situation was developing. Under the law either side had a right to invoke the offices of the Board of Mediation, and under the law the board had a right to proffer its offices if they were not invoked. The board knew or might be presumed to know, better than anyone else, the real situation when the time had arrived for it to proffer its services. The board did finally start for New York to offer its services, and within an hour after it had left, the announcement was handed out from the White House to the press that the board had gone to New York under the President's direction, and again the public was assured that if the board failed the President stood ready to take a hand. Why should it have been announced that the board had gone to New York at the President's order? The duty and a solemn obligation rested on the board to go when the situation became critical, and the statement that the board was acting under the President's orders, that he was closely following the case and was prepared to act if the board failed, was not only unnecessary but was in the highest degree mischievous. In effect, it practically guaranteed in advance that the efforts of the board would fail. How could it be otherwise?

Whether the White House was called in or "butted in" at this critical time, expecting to settle this strike for political advantage in the campaign, may be questioned, but the White House got in and achieved a dead failure. Then this House, which had been told there would be no strike, was called to the rescue. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ADAMSON. Mr. Chairman, inasmuch as the gentleman did not ask a question, I can not answer any, for I can not answer a question that has not been asked. I yield to the gentleman from Kansas [Mr. TAGGART] for five minutes.

Mr. TAGGART. Mr. Chairman, instead of being an occasion for harsh words or recriminations, I believe the House of Representatives ought this day to realize that the men who are in charge of operating trains in the United States, if they are willing to accept the mild and gentle provisions of this bill, are the most patriotic body of men under the flag. They deserve the universal praise and commendation of all good citizens. Every one of these railroad men is a man. They represent the brain and brawn and intelligence of that great husky legion known as American workmen. [Applause on the Democratic side.] I want to say to gentlemen on the other side, without any bitterness, that you are wrong when you say that those men ever threatened or held up Congress. They have done no such thing. [Applause on the Democratic side.] I want to say to you that you are wrong when you say that they have conspired with the President of the United States to arrange a favorable political situation for him in this campaign. It is untrue, and there is not a word or line to substantiate it. [Applause on the Democratic side.] This controversy has been going on for weeks, and I am going to propound the question to you, and I want you to answer it. What would have happened if the President and you and I and we who are here in Washington were unable to do anything with this situation? What would have happened? What would happen one minute after 12 o'clock next Sunday

night? Who would stop it? Would you do it? Would your speeches do it? Would your abuse of the President do it? I say to you that nothing you could do would prevent it; and I am amazed, delighted beyond measure, that that great body of patriotic American citizens, those brave men who take their lives in their hands every day, are willing to accept the terms of this legislation [applause on the Democratic side] which is here now offered for the purpose of averting the most terrible calamity that can be imagined.

Do not let us forget the woman who is at home, whose husband is on the rails to-night—the woman who is praying for the father of her children. Let us not forget the mother who calls upon Him—

Who stills the raven's clam'rous nest,
And decks the lily fair in flowery pride.

We have to remember her; we have to remember her family; and at the present cost of living, if her husband has demanded sufficient wages to secure the necessities of life for her and for their children, I am for him, and I am for this bill, and for every measure that will better the condition of that brave man and his wife and children. [Applause on the Democratic side.]

This bill does not affect any man who works only eight hours. We say an engineer gets a great salary. If he does, and he runs only eight hours a day, there is not a cent in this bill for him. We say that a conductor gets a great salary. If he runs only eight hours a day, there is nothing in this bill for him. There is nothing in this bill for any man whose time is not taken up more than eight hours a day.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. TAGGART. I ask leave to extend my remarks in the RECORD, or do I understand the gentleman from Illinois objects to such requests?

Mr. MANN. I shall have to object.

Mr. TAGGART. Then I withdraw the request.

Mr. PARKER of New Jersey. Mr. Chairman, I yield five minutes to the gentleman from New Jersey [Mr. BROWNING].

Mr. BROWNING. Mr. Chairman, I am opposed to the bill in its present form, and I shall vote against it.

Since I have been in Congress I have voted for all legislation that I believed would benefit labor, but I do not believe this measure is in the real interest of the laboring man. It may, and in all probability it will, avoid a strike temporarily, but in my opinion this would be merely postponing the actual settlement of the whole matter.

I am receiving many communications from employees of the railroads who are not trainmen, and in every instance I am appealed to to act and vote against this proposed legislation.

I will hurriedly read one or two of these communications, showing the attitude of these men:

I see by this evening's papers that President Wilson has addressed Congress advocating the passage of a law limiting the hours of employment of employees of railroads engaged in interstate traffic to eight hours a day. As a law of this character, if passed, would limit the earning capacity of all railroad employees, especially of the poor class who can only make an honest dollar by the sale of his labor, and being one of these unfortunates I hope that you will not only vote but use your influence against the passage of such a law.

Another letter reads:

I desire you to know that I am not in favor of a law compelling the railroads to give trainmen of a certain class an eight-hour day. If, however, such legislation is forced upon them, it should be broad enough in its scope to include not only the men who assign trainmen to their respective runs but also those employees who assign telegraph and telephone operators to their tours of duty—men who are not affiliated with any organization. The present arrangement for the last named is for one man (myself) to be in charge continuously during the day and night, and while not actually on duty continuously, it is practically so, inasmuch as I am subject to call at all hours. More thought and actual work is required in such positions than is necessary for the operators affected by the present Federal hours-of-service law.

Mr. Chairman, if this bill is enacted into law it will affect thousands of American citizens not employees of the railroad companies. Dividends may be passed or reduced, and the stockholders, many of whom are men and women who have invested their small earnings in railroad stocks in the belief that by so doing they have safeguarded themselves from poverty in their old age, will find their small incomes seriously affected, if not cut off entirely, by this hasty legislation.

It is my earnest desire that justice be done to all concerned in this extremely grave situation, and I do not believe the enactment into law of the bill we have before us will result in justice to either employees or stockholders. It is a makeshift, pure and simple, and will only defer the evil day of further disturbance when we shall be called upon to mete out exact justice. Nothing is settled until it is settled right. [Applause on the Republican side.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back a minute and a half.

Mr. ADAMSON. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, I shall vote for this bill, but in doing so I feel, in justice to myself, I should make a statement. There are three parties to this controversy—the railroads, which virtually means the capital invested in them; the railway employees; and the public. The railroads are entitled to facilities of operation and to earn a sufficient income to pay a fair return upon the capital invested and to maintain an adequate reserve. The employees are entitled to receive a fair wage and to work under conditions which are hygienic and which will promote their physical well-being. The public are entitled to continuous service of this public utility and to such ample facilities for transportation of traffic and the movement of passengers as the capacity of the railroads will admit. The rights of the public in any controversy between employees and employers are, and of right ought to be, paramount. It is because their right is paramount to continuous service of the railroads and because we are confronted by a condition which can not be met by theories that I shall vote for this bill; and I think it ought to receive the unanimous consideration of the House. But at the same time there is one phase of this matter the consideration of which I can not escape. We are voting for this under constraint. As Representatives of the public and not of the capital of the railroads nor of the employees, we recognize that the public are confronted by a condition which, if the threat to strike is carried out, means suffering and disaster to the commercial and industrial interests as well as to the life of the people of the country. I would like to take up my remaining time and speak a word for the public. Let us not forget that in adopting an 8-hour day with 10-hour pay we are increasing the wages of 400,000 employees 25 per cent, and the pro rata pay for overtime is an increase of 25 per cent over the former pro rata pay. There are 1,600,000 railroad employees not members of the four brotherhoods, and who are not affected by this legislation. I can not say at this time, and it is unnecessary to say, how much that will increase the operating expenses of the railroads; but the public must understand that if this increased burden of operating expenditure prevents the railroads from earning a fair net income upon their capital invested and to maintain a reserve, that we are going beyond our constitutional power, and that they have the right to resort to the courts in order that no confiscatory conditions shall be imposed upon them. If we proceed upon the theory that instead of their appealing to the courts to set aside this legislation because it is confiscatory, that the railroads will appeal to the Interstate Commerce Commission to increase freight rates, we must face the contingency that such rates may be raised, and it would be the duty of the commission to do so if the net revenues of the railroads were not sufficient. The public, through Congress, should deal fairly with employees, but, at the same time, it can not impair contracts nor confiscate capital.

While we are voting for an eight-hour day, as representatives of the public we must realize that it increases the pay of 400,000 employees 25 per cent, and we must face the condition of the future raising of freight rates. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Chairman, sufficient unto the day is the evil thereof, and when we find we need more rates we have a commission, specially constituted by law, to fix all reasonable and just rates, and Congress will be always here to take care of the railroads, both their officers and operatives of trains, and see that they are all treated right.

Mr. PARKER of New Jersey. Mr. Chairman, I yield five minutes to the gentleman from New Jersey [Mr. GRAY].

Mr. GRAY of New Jersey. Mr. Chairman, the railroads are the great arteries through which flows the lifeblood of our social and commercial system. They supply us with food and raiment and machinery, with newspapers and magazines, and they make it possible for a nation of 100,000,000 of people to live in neighborly communion and to unite on the basis of a common understanding for the accomplishment of those things which make for the welfare of the Nation and for the individual.

While the railroads exist by virtue of a partnership between private capital and the sovereign right of the State, their ownership is invested in a larger sense in all the people, to whose existence they have become almost as necessary as air and sunlight. Neither the executive heads nor the men who do the actual physical work of operation should possess the power arbitrarily to close up these great arteries of social and com-

mercial life and thus visit incalculable loss and suffering upon all.

Mr. Chairman, I voted to uphold the President of the United States in the matter of the McLeMore resolution because a principle was involved, that of standing up for a right possessed by every citizen of this Republic. We were solemnly warned on the floor of this House that if some such measure as the McLeMore resolution were not passed, this country would be involved in war with a foreign nation. I wanted no war, none of us wanted war, but I for one, war or no war, was not willing to see an American right trampled upon. The situation confronting us to-day in the measure under discussion is somewhat analogous. We have been notified by the President of the United States that if we do not pass certain legislation within a certain time a small body of men will tie up our railroads, paralyze our industries, shut off our people from the food they need for subsistence, and submit all of us to great discomfort, inconvenience, and possible sickness and death. Sir, a principle is here involved as there was a principle involved in the question brought up by the McLeMore resolution. Shall any body of men be allowed, even though they be our own citizens, to trample with impunity upon a common right possessed by the people of this country? It may be that they will do so, it may be that they will for a time succeed in so doing, but if they will so do and so succeed it shall not be without my protest as an American citizen and as a Member of this body.

It is as a Member of this body, however, that I wish to make a still more serious protest. The Congress is one of the three coordinate branches of the Federal Government, possessing distinct and independent rights as outlined by the Constitution. The membership of the House of Representatives, the lower branch of Congress, consists of 435 men elected by the people and representing all the people of the United States. Even the Chief Executive of the Nation, in whose hands rests the duty of enforcing the laws, possesses few constitutional rights with reference to this body further than to give it information of the state of the Union and to recommend consideration of such measures as he shall judge necessary and expedient. Yet, in spite of this fact, a small, unofficial body of our people have served notice on us along with the President that unless we enact certain legislation for their particular benefit between now and to-morrow evening, they will proceed to call their contemplated strike on the railroads. Mr. Chairman, if we accede to this demand what shall become of the legally constituted lawmaking power of this Government? How soon again may we not expect that another body of citizens, representing other interests but possessing similar power, shall confront us with similar demands? Shall we, by passing this measure to-day, confess our impotence, surrender our rights as Members of this great National Legislature, and be false to our oath and our duty to the people? I, for one, will not be a party to the establishment of a precedent of this kind with its enormous possibilities of danger to our country and its institutions.

Let no one gain the idea from what I have said that I am opposed to an eight-hour day. Let no one assume that I am an opponent of laboring men or labor unions. I have as much at heart the interests of the man who toils for a living as has any other Member of this House. I hold no brief for the railroads. In all probability a majority of the members of the four brotherhoods whose demands we are considering are possessed of more of this world's goods than I am. In all probability a majority of them received as much common-school education as I did. I have been thrown into intimate association with union labor men for the last 20 years, and I think I understand, perhaps better than the average man, their desires and ambitions and aspirations. I agree with the suggestion that there has been a somewhat general acceptance of the idea that eight hours should constitute a day's work and that this rule should be applied to the railroad business if it can be practically adjusted to the peculiar conditions of that business. But I am thoroughly convinced that the questions at issue in the present controversy should be submitted to orderly and deliberate investigation and arbitration, in which the interests of all the parties concerned should be given full consideration. I believe it to be in the interests of good government, of the due process of law, and of all the guaranties of the Constitution with reference to the rights of person and property that this Congress should now establish a body whose duty it shall be to investigate and arbitrate these great labor disputes, and should go no further at the present time. At all events, neither for political advantage nor for any other similar reason will I bow my head in subjection to the influence which to-day is arbitrarily threatening the welfare of the people of the United States and the power and usefulness of the United States Congress. [Applause.]

Mr. ADAMSON. Mr. Chairman, I yield four minutes to the gentleman from Pennsylvania [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, while this measure may not be all that some could desire; while it may fall short of that perfection which longer deliberation might assure; and while some of the criticisms which have been leveled at it by our Republican friends may be not wholly without justification, it is, nevertheless, one that should command general support in meeting an emergency which all of us understand and which calls for instant action.

I can conceive of no greater calamity which could befall this country, short of an armed invasion by a powerful enemy, than that which was scheduled to come off Monday morning next. This calamity, we are assured, will be averted by what we are here proposing to do. There is no claim for the pending bill that it is final; that it is anything more than temporary; that it is other than a mere expedient in caring for a situation which has alarmed every thoughtful man in America. It can be opposed only by those who would prefer the horrors of an unparalleled industrial war to an adjustment which will give all parties concerned an opportunity to look around and to seek a proper way out of an intolerable situation.

Mr. Chairman, if time permitted, I would like to discuss at some length some of the issues which have presented themselves in connection with the crisis which we are aiming to avert. One thing I hope to say very briefly, and that is that railway rates have little relation to railway pay. Has it been forgotten that the late Mr. Vanderbilt bluntly asserted that rates were governed solely by what the traffic would bear? Or is it forgotten that to-day, under regulation, rates remain practically at what capitalization permits?

It is regretted that time does not allow me to go further into this, for I think it can be shown that practically rates are still substantially governed by what the traffic will bear. As far as wages, the pay of railroad help, goes, what is the governing force here? Can they be regulated by law? Can even the railroads themselves determine how much they will pay? In the last analysis it will be found that wages are governed, not by chance, not by legislation, not by organization, not by anything in the world except natural law. What the man who employs his own labor on the best free land in use can obtain is, after all, the basis of all other wages. Anything which may tend to increase what the man at the margin is able to secure tends inevitably to lift wages all up the line from the lowest to the highest.

But I can not dwell on this very vital point. All I can do is to cite it and ask that it be considered fairly, not for any effect it may have on the pending measure, but for the good it may do when the larger questions come up for settlement after the present emergency has passed. It seems to me that we should look fundamentals in the face. We should inquire into the whole philosophy of wages, trying to ascertain the law governing them, avoiding errors which it is so easy to adopt, keeping clear of pitfalls into which it is so easy to stumble. It is no part of legislation to undertake to fix wages or to regulate prices. Our whole system, as far as it seeks to do either of these things, is false, and its mischievous tendencies are apparent. Legislation will have fulfilled its mission when it shall have made it impossible for a few to engross and forestall opportunity and establish a monopoly of natural resources by which and from which all wealth must be drawn by labor. Denial to labor of access to these opportunities and resources is at the bottom of all industrial troubles. Were labor free to employ itself when the terms offered by the employer were unsatisfactory, labor would be absolutely independent; it could freely dictate the conditions of its employment; it could always command wages equal to what it would be able to produce if self-employed.

However, we are not now at the point where this phase of the question is presented for discussion. We are dealing with a great emergency, with a condition fraught with enormous possibilities of evil; and we are dealing with it courageously and in a way that must meet the approval of all who do not want to see the country thrown into an industrial chaos. Perhaps this is what some of our Republican friends would like to see. Out of such a chaos some order in their political affairs might conceivably come. But they are not to be gratified. We have taken hold of this matter firmly and without fear. And for one I am willing to abide the issue. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BAILEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

Mr. MANN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Georgia has six minutes and the gentleman from New Jersey has three minutes.

Mr. ADAMSON. I yield three minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, in three minutes one can only give expression to one's faith and not advance an argument on a proposition of this kind. There can only be one substitute motion offered, and that is to authorize the President of the United States to seize the railroads and run them for the Nation. The Republicans will offer nothing of the sort, I am sure. If we legislate in a panic now, it is because most of us have for years refused to recognize the existence of the irrepressible, industrial conflict. Every voice has been heretofore heard in Congresses except the voice of the great working masses. It is the first time that we have the visible government assert itself. It is the first time that the working people, in a rather vulgar way, say, "We are here; we are going to strike; we are going to exercise our right to promote and improve our condition." They do not ask you for legislation; they announce they will exercise their inalienable right and you are at a loss; you do not know what to do. You have been talking protection and free trade, you have been talking of all sorts of things except industrial problems, and most of you do not know how to go about this thing at all. Some have even gone to the extent of blaming the President of the United States because he considered it his sacred duty, as trustee of the welfare of this country, to offer a remedy for this situation. [Applause on the Democratic side.] Why he partisan in an emergency of this kind? The railroads are not in a position to denounce the action of the Chief Executive. It is they that have denied his offer; it is they that have refused to listen to his voice of counsel. It is the railroads that have refused to recognize the economic and ethical principle of the eight-hour day. They are not in a position to criticize, and, please, gentlemen, do not you dare talk about compulsory arbitration, and let no one of you imagine that the working people of the United States will stand for compulsory arbitration. Compulsory arbitration is as indefensible and impossible as compulsory marriage. Only a short while ago in Sweden the workers organized a nation-wide strike against a compulsory arbitration act, and, as I understand it, they called off the strike only after the promise of the Government had been given that the law would be repealed as soon as the military necessity would be over. Let us vote for this measure, because it offers a remedy for a very serious and critical situation. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONDON. There is no other way to it just now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONDON. I ask unanimous consent, Mr. Chairman, to extend my remarks by adding to my remarks the bill introduced by Victor Berger, a Member of the Sixty-second Congress, dealing with the program of nationalizing the railroads.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing the bill indicated. Is there objection?

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects. The gentleman from New Jersey [Mr. PARKER] has three minutes remaining, and the gentleman from Georgia [Mr. ADAMSON] has three minutes remaining.

Mr. PARKER of New Jersey. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. PLATT].

The CHAIRMAN. The gentleman from New York [Mr. PLATT] is recognized for three minutes.

Mr. PLATT. Mr. Chairman, it has been said that a condition, not a theory, confronts us, the condition being a threat to stop the wheels of industry and commerce all over the country and place our cities in a state of siege, with starvation impending as a result of cutting off supplies of food. Whence comes this threat? From a foreign power? No; from a group of four men, armed with authority to call a strike on all the great railroads, the date for which has been set for next Monday. These four men—or, shall I say, the President of the United States, in fear of the votes they may influence in the coming campaign—having refused to agree to arbitration, now demand that the Congress of the United States shall abdicate its position as a deliberative representative body and pass this bill forthwith. I, for one, decline to be either bluffed or coerced into participation in hasty, ill-considered, makeshift legislation, the far-reaching effects of which we can not foresee, though I believe that our industries should work toward eight hours as the limit of the usual day's labor, where the hours can be so fixed. It has, however, been freely admitted by some of

the spokesmen on the other side that the hours of labor in train operation can not be so fixed, and that this bill is a bill of doubtful constitutionality to increase wages rather than to decrease hours.

Mr. Chairman, I think I know railroad men well enough to know that they do not want to strike. If you gentlemen will forego for a time your habit of riding on palace cars and parlor cars and other Pullman productions and will ride occasionally in the smokers, filling your pipes and sitting down alongside of the trainmen, you will be in a position to know how they feel. You will find that the average trainman or conductor, while he rightly desires shorter hours, does not want to strike, and stands almost as much in dread of a strike as the average Member of Congress fears the present situation, which is saying a good deal. [Laughter.] Unless I am a poor judge of human nature, the four brotherhood chiefs do not want to call a strike, and are demanding this legislation to save their faces. I sympathize with the predicament in which they have been placed, but I am not responsible for it. Under other circumstances I might vote for such a measure as this, if made a part of a well-considered bill which contained also provisions to prevent such a situation from arising again and treated all parties, including the public, fairly.

Mr. Chairman, the President of the United States is largely responsible for the position in which the labor leaders and this Congress find themselves to-day. I do not like to charge him with playing politics with an emergency, but I do wish to say that it seems to me that it is unwise for Woodrow Wilson to try to play Theodore Roosevelt. In the first place, he does not know how to keep in touch with the sentiment of the people as Mr. Roosevelt did and does, and, in the second place, he has not the backbone. [Applause.]

Mr. ADAMSON. Mr. Chairman, how much time have I?

The CHAIRMAN. Three minutes.

Mr. ADAMSON. I yield that to the gentleman from Illinois [Mr. BUCHANAN].

The CHAIRMAN. The gentleman from Illinois is recognized for three minutes.

Mr. BUCHANAN of Illinois. Mr. Chairman, much has been said about the nonmembers or unorganized workmen in the railroad industry. There have been statements that they are not in harmony with the brotherhoods' efforts in securing an eight-hour day.

The fact is that the brotherhoods have taken a vote of their nonmembers as well as of their members. I have here the figures of the vote of Brotherhood of Railroad Trainmen, showing a vote of their members in favor of the eight-hour day 98,557, as against 3,256. Of these men who are talked about as being opposed to the eight-hour day, the nonmembers of the union, there were 29,481 for the eight-hour day and 1,060 against. The vote of the Brotherhood of Railroad Trainmen, which is one of the four brotherhoods, was 98.73 per cent in favor of the eight-hour day.

Now, the other industries and the other workmen are organized, the telegraphers, and the machinists, and the bridgemen, the carpenters, and blacksmiths; 60 per cent of the men outside of the brotherhoods are organized and are working in harmony with them to secure the eight-hour day.

The representatives of the railroads are putting much emphasis on the fact that they want to stand by the principle of arbitration. If gentlemen will look at the records of the railroad corporations they will find that they have refused to arbitrate with every labor organization that is not strong enough to tie up their works. That was true in the case of the machinists' strike on the Santa Fe. The union machinists used every influence to secure arbitration. The railroads have refused to arbitrate. Their contention that they are standing out for the principle of arbitration is a deception and a fraud. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That beginning December 1, 1916, eight hours shall, in contracts for labor and service—

Mr. CLARK of Florida. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Florida. I want to know if it would be in order to offer an amendment now or after the bill is read?

The CHAIRMAN. It would be in order to offer an amendment at the end of the reading of the paragraph.

Mr. ADAMSON. Of the section.

The CHAIRMAN. Yes. The Clerk will proceed.

The Clerk read as follows:

Be it enacted, etc., That beginning December 1, 1916, eight hours shall, in contracts for labor and service, be deemed a day's work and the measure or standard of a day's work for the purpose of reckoning the compensation for services of all employees who are now or may hereafter be employed by any common carrier by railroad which is subject to the provisions of the act of February 1, 1887, entitled "An act to regulate commerce," as amended, and who are now or may hereafter be actually engaged in any capacity in the operation of trains used for the transportation of persons or property on railroads from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

Mr. ADAMSON. Mr. Chairman, there are three committee amendments to that section.

The CHAIRMAN. The Clerk will report them.

The Clerk read as follows:

Amend, on page 1, line 3, by striking out, after the word "beginning," the words "December 1, 1916," and inserting in lieu thereof the words "January 1, 1917."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BUCHANAN of Illinois. Mr. Chairman, I would like to discuss that amendment.

The CHAIRMAN. The gentleman from Illinois is recognized. Mr. BUCHANAN of Illinois. Mr. Chairman, it is an error to have the time begin January 1 instead of December 1. Beginning about December 1 or January 1 is the hardest time to try out a new method or to apply the eight-hour day, because at that time there is less freight and more bad weather and many elements to contend with that would perhaps make it appear that it was not successful; or, in other words, it would be holding the application of the eight-hour day responsible for the elements of the weather.

However, if this is necessary to secure harmony and expedite action, I do not care to make any effort or protest against the adoption of it.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. What is the amendment, Mr. Chairman?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] offers a further amendment, which the Clerk will report.

Mr. ADAMSON. Mr. Chairman, the gentleman from North Carolina [Mr. PAGE] wishes to offer a modification of the amendment.

The CHAIRMAN. The one that was just adopted?

Mr. ADAMSON. No; the next amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] proposes to accept the amendment offered by the gentleman from North Carolina?

Mr. ADAMSON. Yes.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from North Carolina [Mr. PAGE].

The Clerk read as follows:

Amendment offered by Mr. PAGE of North Carolina: "After the word 'railroad,' in line 8, page 1, insert 'except railroads independently owned and operated, not exceeding 100 miles in length, electric street railways, or electric interurban railways.'"

Mr. KEATING. Mr. Chairman, I trust this amendment will not be adopted. As I understand the purpose of this bill, it is to meet an emergency. I believe the bill as drafted by the committee will prevent a strike on Monday, but I think I am safe in saying that the adoption of such amendments as the one proposed by the gentleman from North Carolina [Mr. PAGE], unless they are very carefully safeguarded, may destroy the effect of this legislation. This amendment is presented without any opportunity to determine what the effect will be.

Mr. COLEMAN. Will the gentleman yield?

Mr. KEATING. Pardon me, but I can not yield at this time.

This amendment, as I say, is presented without an effort to consider who will be affected by it or how far it will go to nullify the provisions of this measure. My attention was called a short time ago to the fact that certain railroads have electrified their systems in such a way that if you attempt to exclude electric roads from the operations of this act you are very likely to destroy the purpose of it. I trust the gentleman from Georgia, who is in charge of this bill, will permit us to

pass the bill substantially as it has been brought into this House. And my reason for that is that I believe it is such a simple bill it will readily be understood, and because I believe the passage of the bill as presented to this House will guarantee industrial peace in this country, and that is what I am seeking.

Mr. BAILEY. Is it not true that the New Haven is practically electrified from New York to Boston?

Mr. KEATING. I do not know. I have not been over the road. I do not know what the effect of the amendment will be. With all due respect to the chairman of the committee, I question if he has had an opportunity to determine the effect of this amendment. The bill as it stands has been carefully considered. The bill as it stands will prevent a strike on Monday. I am not prepared to say what will be the effect if these suddenly presented and hastily considered amendments be put in.

Mr. CULLOP. Will the gentleman yield a moment there?

Mr. KEATING. Yes.

Mr. CULLOP. Take the Pennsylvania Railroad, and part of the way, going from here to New York, it is drawn by an electric engine instead of a steam engine. What effect would that amendment have on it?

Mr. KEATING. I do not know. I do not know of any reason why a man who works on a railroad that is less than 100 miles long should work more than eight hours a day. He works just as hard on a railroad that is 90 miles long as the man who is employed on a railroad 500 miles long. I contend that when a gentleman comes in here and offers an amendment he ought to submit a bill of particulars so we may know what we are doing.

Mr. PAGE of North Carolina. Mr. Chairman, this amendment was offered not in its present form but as it affected street railway and interurban electric lines, by the committee, and in that far is not my amendment but the committee's amendment. At my request the chairman of the committee has accepted a suggestion of mine that small, independently owned and operated railroads, not exceeding 100 miles in length, should be included with street railways and interurban electric lines.

Now, the gentleman from Pennsylvania [Mr. BAILEY] asked a question of the gentleman from Colorado [Mr. KEATING] relative to one of the great trunk lines that is a part of the way run by electricity. That can in no sense be termed an interurban line or a street railway line. And when the gentleman refers to the fact that employees on short lines have as hard or as long work as on the trunk line of railroads I would remind the gentleman that there are a great many short, independently owned lines in the United States where, if this automatic arbitrary increase of compensation of 25 per cent to its employees is forced upon them, they will probably be in the hands of a receiver, as many of them are now. With most of them their employees are not in the brotherhood. They are not organized. There are great stretches of country undeveloped that are being developed by private capital by the construction of small railroads for the development of these outlying portions of the country. And the purpose of this amendment is to except street railways, interurban electric lines, and railroads independently owned and operated, not in excess of 100 miles in length. And I do not believe it is the purpose even of these enthusiastic gentlemen, who say we must take the dose straight, to include these small roads and break down their operation, that means as much to the undeveloped communities of this country as railroad transportation does for the trunk lines and the developed portions of the country. And I believe this amendment ought to be adopted.

As to its not having been thought out, possibly the gentleman from Colorado [Mr. KEATING] has not thought it out, but other gentlemen have, and I believe, Mr. Chairman, in the interest of not only the private capital invested in these small railroads, but for the development of those sections of our country now undeveloped and the protection of these small properties independently owned and operated this amendment ought to be agreed to.

Mr. TAGGART. Mr. Chairman—

The CHAIRMAN. All debate has expired. The question is on agreeing to the amendment.

Mr. TAGGART. I move to strike out the last word.

I have the greatest sympathy with the aims and objects of the gentleman from Colorado [Mr. KEATING], but we must remember that this Congress has no power to legislate for street railway companies that are not interstate lines of railroad or connected with interstate lines of railroad.

Mr. KEATING. Will the gentleman yield?

Mr. TAGGART. I will.

Mr. KEATING. I want to ask you if there is anything in this bill which undertakes to legislate for railroads that are outside of the jurisdiction of Congress? In other words, will not those roads automatically be taken out of the operations of this bill?

Mr. TAGGART. This bill will reach the case of a street railroad or system that crosses the State line and will not reach the case of a railroad which does not cross a State line without it is connected in some way with an interstate railway line. Now, for instance, this bill as it reads would have no effect on the street railways of Seattle, San Francisco, or Los Angeles. It would take immediate effect on the street railways in the city of New York that extend into Connecticut and New Jersey. It might have no effect on the street railways of Buffalo, Pittsburgh, or New Orleans.

Mr. MANN. Pittsburg, Kans.?

Mr. TAGGART. Pittsburg, Kans., is not in my district. It did not even go Republican. It went Socialist, and so you and I did not worry about its street railroads. [Laughter.]

Now, the bill as it reads and without amendment applies to a few cities and it does not apply to the street railroads of the great majority of the cities. It has nothing to do with Cleveland, Ohio, or Pittsburgh, Pa., but it does reach Chicago, nearly all of whose lines reach down into Indiana. It does reach Kansas City, Mo., and all of its lines. I would like to see the eight-hour law apply to every one of them, but if you leave this bill as it stands, and without amending it so as to omit street railways, it shows you are attempting to legislate for railroads wholly within a State, and you can not do it. It might vitiate the whole bill. It would be a delight to some courts in this country that I could mention to hold that the bill was absolutely unconstitutional and void for that reason.

Mr. ADAMSON. Mr. Chairman, so far as this amendment is concerned, my own personal opinion was at first that it ought not to have been incorporated. I learned, however, on investigation, that the Senate committee insisted on it, and I have been informed by those who profess to know that the people engaged in operating the street railroads and the interurban roads are not involved in this controversy at all. I also have some knowledge of these roads that are shorter than the ordinary division of 100 miles, and the information I have is that they could hardly consume eight hours anyway in making a run. And there is no use to cripple them by incorporating them in it.

Mr. KEATING. Will the gentleman yield?

Mr. ADAMSON. As soon as I finish this statement I will yield. We consented to the adoption of this amendment on those ideas, and if we should strike it out, I am told the Senate committee insist on putting it in, and it would be necessary to have a conference. So far as I am concerned I do not care about it one way or the other.

Mr. KEATING. The gentleman says that on these short roads it is impossible to use eight hours. In that case, what harm does it do?

Mr. ADAMSON. I did not say it was impossible. I said they could hardly do it.

Mr. KEATING. And if it is possible to use more than eight hours, why should not the men get the benefit of it?

Mr. ADAMSON. It occurs to me that they could observe the law more easily than anybody else.

Mr. STERLING. Will the gentleman yield?

Mr. ADAMSON. I yield to my colleague.

Mr. STERLING. Is this the same amendment that the committee put in the bill?

Mr. ADAMSON. A part of it is. The gentleman from North Carolina [Mr. PAGE] wants to amend that by adding these short lines, which provision is also in the Senate bill.

Mr. STERLING. Personally, I have no objection to that, but certainly we ought to insist on the House voting on the amendment the committee put in this morning.

Mr. ADAMSON. If the gentleman insists on that form, I will let the gentleman from North Carolina [Mr. PAGE] offer an amendment to the committee amendment.

Mr. STERLING. I am not asking that it be considered now.

Mr. ADAMSON. I understand.

The CHAIRMAN. The time of the gentleman from Georgia has expired. All time has expired. Without objection, the pro forma amendment will be withdrawn and the question is on the amendment offered by the gentleman from North Carolina [Mr. PAGE].

Mr. ADAMSON. Yielding to the suggestion of my colleague from Illinois [Mr. STERLING], I suggest that we pursue the ordinary method.

Mr. MANN. The gentleman from Illinois is satisfied.

Mr. ADAMSON. All right then.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina.

Mr. CALDWELL. I ask that the amendment be read.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Amend, on page 1, line 8, by inserting after the word "railroad" the following: "except railroads independently owned and operated, not exceeding 100 miles in length, electric street railways, and electric interurban railways."

Mr. ADAMSON. That same amendment will occur at the top of the next page after the word "trains," and I ask unanimous consent that both amendments be voted on at once.

The CHAIRMAN. The gentleman states that the same amendment in verbiage will occur on the next page. The Clerk will report it.

The Clerk read as follows:

Amend, on page 2, line 1, after the word "trains," by inserting the following: "except railroads independently owned and operated, not exceeding 100 miles in length, electric street railways, and electric interurban railways."

Mr. MANN. I do not think that is where that comes in.

Mr. ADAMSON. The gentleman is right. It should come in in line 2, after the word "railroads."

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the amendment just reported may be considered as pending, and as being offered after the word "railroad," in line 2, page 2, to be voted on in connection with the amendment offered by the gentleman from North Carolina [Mr. PAGE]. Is there objection?

Mr. KEATING. Reserving the right to object, I desire to offer an amendment to the amendment.

Mr. ADAMSON. The gentleman can offer it to both.

Mr. MANN. That would not affect this unanimous consent.

Mr. KEATING. If that is understood, I will not object—

Mr. MANN. It will not.

Mr. KEATING. As long as I have the opportunity to offer my amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Now the debate on the original amendment offered by the gentleman from North Carolina [Mr. PAGE], and on amendments thereto has been exhausted.

Mr. KEATING. I desire to offer an amendment to the amendment.

Mr. ADAMSON. Let the gentleman offer it without debate.

Mr. KEATING. No; with debate. I think, under the circumstances, I should have an opportunity to explain the amendment.

Mr. MANN. The gentleman can offer his amendment and then be heard on it.

Mr. ADAMSON. Of course, he has that right.

Mr. KEATING. This amendment reads:

Except railroads independently owned and operated, not exceeding 100 miles in length, electric street railways, and electric interurban railways.

Mr. MANN. Let the gentleman offer his amendment.

Mr. KEATING. Now, I want to move to strike out the words: Railroads independently owned and operated, not exceeding 100 miles in length.

My object in moving to strike out those words is that if the House puts that amendment into the bill—

Mr. MANN. I think we ought to have the amendment reported from the desk in the orderly way.

Mr. KEATING. I beg the gentleman's pardon.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the words "except railroads independently owned and operated, not exceeding 100 miles in length."

The CHAIRMAN. The Chair understands that is offered to the last amendment?

Mr. KEATING. To the first amendment.

SEVERAL MEMBERS. To both.

Mr. KEATING. To both.

Mr. BENNET. May we have the language of the amendment reported as it would read if the amendment of the gentleman from Colorado were adopted?

The CHAIRMAN. Without objection, it will be reported.

The Clerk read as follows:

Except electric street railways and electric interurban railways.

Mr. KEATING. I wish to strike out the language that would exempt railroads less than 100 miles in length. I do that because it is utterly impossible to bring about a solution of the problem before us if that amendment is placed in the bill. The reason is that the brotherhoods have a great number of men

employed on roads that would come under that provision, and they are making a fight for all the members of their brotherhoods.

This is a cleverly devised scheme which, if adopted, will place the railroad brotherhoods in the position of agreeing to an eight-hour day for some of their members and not insisting on it for other members.

In addition to that, there is no reason why the switchman who happens to be working for a great terminal company, which would be exempted by the gentleman's amendment, should be compelled to work 10 hours a day while his fellow switchman who works for some other company works 8 hours a day. To my mind there is no argument that can be advanced in support of the gentleman's proposition which could not be advanced in opposition to the entire bill.

Mr. CULLOP. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. CULLOP. Take a belt road of less than 100 miles in any of the great cities that is privately owned, and it would apply to it, would it not?

Mr. KEATING. I presume so, and I presume that is the intention.

Mr. LENROOT. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. LENROOT. The gentleman cites a belt road in any city. It would no come under the bill as originally framed, would it?

Mr. CULLOP. It would if engaged in interstate commerce.

Mr. KEATING. My sole desire, Mr. Chairman, is to secure an eight-hour day for the men who work on the railroads in this country, and next to that I want to avoid a railroad strike. Now, why adopt an amendment which may in the last analysis prove fatal to an agreement. Why not reject it and proceed with the bill in its original form?

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, this bill is entitled "A bill to establish an eight-hour day for employees and carriers," but there is no pretense in the bill itself that it does, or even tends toward the establishment of an eight-hour day. All the literature and investigation on the subject of eight-hour labor is wasted so far as the terms in this bill are concerned. The bill provides that eight hours shall, in contracts for labor and service, be deemed a day's work, and the measure or standard of a day's work for the purpose of reckoning compensation.

People differ as to whether it is desirable for men to work only 8 hours a day, or whether a man who has 8 hours' day labor in the end will be able to accomplish as much as he would if he worked 10 hours, and probably become less vitally strong physically. But the only purpose of this bill is to have Congress write into law and into contracts already made a provision that for the purpose of compensation 8 hours shall be a day's labor. There is no intention on the part of either the railroad managers or the railroad employees to shorten the hours of labor from those now used.

In the contest between the employer and employee upon the railroad the public is somewhat interested. The railroad managers would just as lief give a day's pay for 4 hours as they would for 8 or 10 hours if they could recoup themselves from the public. It is idle to say that you can receive the rate of pay without in some way increasing the rates for freight and passengers in the United States. You can not build and operate railroads without capital and without money. I do not know whether the rate of pay of the railroad employees should be increased, but I feel very confident that if the rate of pay of the engineers and conductors on passenger and freight trains ought to be increased, that it is true it would be claimed that the pay of the trackmen maintaining the track should be increased. [Applause on the Republican side.]

I do not believe that Congress, with doubtful constitutional power to change or alter contracts or to determine the rate of pay on transportation lines, without knowledge, without investigation, should impose a burden upon the whole people of the land. And I do not doubt—and I say it with sorrow—that if it had been proposed in this body that the rate of pay should be increased 50 per cent instead of 25 per cent, or even 100 per cent, the same gentlemen who will vote for the increase of 25 per cent under the same pressure would vote for an increase of 50 or 100 per cent, hoping that the public, at least, would not wake up to the fact that the burden is put upon them until after the next election. [Applause on the Republican side.]

Mr. Chairman, the President of the United States, finding an existing controversy which threatened strife and disorder, interposed his good offices. He failed to obtain a satisfactory solution of the problem. He came before Congress a few days ago with the suggestion that he would turn the matter over to the legislative body of the country, with certain recommendations which he made to it.

I believe that I could have voted for the President's program if proposed in a bill before the House. Although it was not a very satisfactory solution to me, although it proposed to impose burdens upon the public in the future, it at least made the pretense of an effort to prevent similar situations in the future. But the President, as he always has in his conduct of affairs of the country when he has real questions before him, wobbled and wavered. Bold as he was in asserting his views before Congress here a day or two ago, he now backs water, as shown from his then program, and now urges Congress to pass a bill which leaves out most of the essential things which he then proposed.

My colleague, Mr. STERLING, expects to offer an amendment to the bill, and offer also a motion to recommit along the same lines, if the amendment be not agreed to in committee, attempting to prevent strikes in the future without investigation, which amendment will provide that if men will not mediate, if men will not arbitrate, either the managers or the employees, the President of the United States shall appoint a commission to investigate, and that pending the report from that commission there can be by combination neither a lockout nor a strike. [Applause on the Republican side.] If we are to meet the situation in the country, if we are to be true to the great mass of the people of the country, if we are going to yield to the emergencies of the present moment, we ought at least to do something toward preventing disaster in the future. [Applause on the Republican side.]

Mr. BUCHANAN of Illinois. Mr. Chairman, just one word, please. I would like to state, as did the gentleman from Colorado [Mr. KEATING], that I believe the adoption of this amendment offered by the gentleman from North Carolina [Mr. PAGE] will defeat the whole purpose of this bill. I believe it would be a grave mistake to embody such an amendment in the bill. I have information almost direct from the representatives of the men—

Mr. COLEMAN. Mr. Chairman, has the gentleman any objection to that portion of the amendment which excludes interurban trolley lines?

Mr. BUCHANAN of Illinois. It is not a question of whether I have objections or not. The representatives of the brotherhoods have been asked to accept certain propositions. It is a compromise upon their part. They have been shown certain bills which, if passed, they say would stop this strike. We are now trying to legislate for the purpose of preventing a strike on next Monday, and I am of the opinion, with the information that I have, that if this amendment is included in this bill it defeats that purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. KEATING] to the amendment offered by the gentleman from North Carolina [Mr. PAGE].

The question was taken; and on a division (demanded by Mr. KEATING) there were—ayes 72, noes 91.

Mr. KEATING. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. ADAMSON and Mr. KEATING to act as tellers.

The committee again divided; and the tellers reported—ayes 73, noes 90.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from North Carolina.

Mr. IGOE. Mr. Chairman, has debate been exhausted upon this amendment?

The CHAIRMAN. Debate has been exhausted.

Mr. IGOE. Is it in order to move to strike out the last two words?

The CHAIRMAN. That motion has already been made.

Mr. IGOE. Mr. Chairman, I ask unanimous consent to address the House for five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, before the gentleman begins, are there any other amendments to be offered by the committee to section 1?

Mr. ADAMSON. I think those are all of the committee amendments.

Mr. IGOE. Mr. Chairman, I regret very much that this last amendment was defeated. The amendment offered by the gen-

tleman from Colorado [Mr. KEATING], it seems to me, was very important and vital. I thought that the House would agree to it. The situation, as I understand it, for example, in the city of St. Louis, is this: There is not a railroad coming into that city, or, rather, crossing from St. Louis to East St. Louis, that runs over its own tracks. All of those trains are hauled over the Terminal Railroad Association's track, which is a local concern, with the stock controlled by the railroad companies. As I understand the amendment as proposed by the gentleman from North Carolina [Mr. PAGE], this road, the Terminal Railroad Association, would be excepted from the operation of the law.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. IGOE. Yes.

Mr. MANN. Does the gentleman think that that road is either owned or operated independently of other roads?

Mr. IGOE. I will say to the gentleman from Illinois that we have been trying to find that out for a good many years in St. Louis.

Mr. MANN. The gentleman will find out, and he will find out that it is not, because there is not one of the terminal roads that is or can be operated or owned independently.

Mr. IGOE. Let me say to the gentleman that the Terminal Railroad Association is one company, the Merchant Bridge & Terminal Co. is another company, and on top of them are two or three other companies. The railroad companies claim when they come to the city of St. Louis that they do not own it, that it is a separate corporation; and when we go on the other side they tell the people that the railroads own it. My own judgment is that it is an independent company.

Mr. MANN. It is perfectly plain about that road. If it is covered by the interstate-commerce law, it makes reports; and if it is not, there is nothing that we can do about it. That is as plain as the nose on your face.

Mr. IGOE. The gentleman from Illinois is not sure about it, and I feel that this amendment, the way it is worded, will exempt that terminal company and the men working for it from the operation of the law.

Mr. KITCHIN. Would not an amendment of this nature cure that?

Provided, The above exception shall not apply to railways, though less than 100 miles in length, whose principal business is leasing or furnishing terminal or transfer facilities to other railways, or are themselves engaged in transfer of freight between railways and between railways and industrial plants.

Mr. IGOE. I think that would meet the situation. Let me say this: I do not oppose—in fact, I favor—the exemption of these electric interurban roads; but if there is going to be any question about this amendment exempting employees of the Terminal Railroad Association from the operation of the bill, I shall vote against the whole thing.

Mr. MANN. There is not any question at all. They will not be exempted, and the only thing this amendment will do—and I do not care what becomes of it—will be to exempt these little timber roads, or something of that sort, that are owned and operated independently, not in connection with any other road.

Mr. IGOE. Now, let me ask the gentleman: These men work for the Terminal Railroad Association and not for any railroad company. Now, then, this amendment excepts privately owned companies, and these men work for the Terminal Railroad Association; and if the road is less than 100 miles, it is exempted under this amendment.

Mr. MANN. It is not exempted unless owned and operated privately.

Mr. IGOE. I say it is.

Mr. MANN. It can not be operated independently. A terminal road could not have anything to carry on it except as it is operated in connection with railroads that connect with it.

Mr. IGOE. The contract made between the railroad companies and this terminal company is one by which the terminal company hauls its cars across the river, and this agreement, this contract—

Mr. MANN. But it is operated independently.

Mr. IGOE. It is operated by this separate corporation. It is bonded; it has its own bonds.

Mr. MANN. It is a perfectly sure thing if it is covered by the interstate-commerce law—the gentleman said he could not get reports.

Mr. IGOE. I did not say anything about getting reports; I made no such statement.

Mr. MANN. The gentleman said he could not find out who owned it. I so understood the gentleman.

Mr. IGOE. I said the city could not reach it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KITCHIN. Mr. Chairman, I present the following amendment to follow the amendment which is now pending.

The CHAIRMAN. Does the gentleman offer that as an amendment to the amendment?

Mr. KITCHIN. Yes; as an amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Add at the end of the Page amendment the following:

"Provided, That the above exception shall not apply to railways though less than 100 miles in length whose principal business is leasing or furnishing terminal or transfer facilities to other railways, or are themselves engaged in transfers of freight between railways or between railways and industrial plants."

Mr. STAFFORD. If the gentleman will permit, would not that exception extend to electric railway companies that operate—

Mr. KITCHIN. Yes.

Mr. STAFFORD. Then the gentleman's exception is too broad.

Mr. KITCHIN. No; I think not.

Mr. STAFFORD. There are some electric railway terminal companies operating interurban railroads.

Mr. KITCHIN. I doubt whether there are any such companies.

Mr. STAFFORD. There are electric terminal companies in large cities.

Mr. STERLING. Mr. Chairman—

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Illinois?

Mr. KITCHIN. I will.

Mr. STERLING. I do not know whether I heard the reading of the gentleman's amendment correctly or not. If I did I think the gentleman wishes to put in what he did not intend. I understood as read it excepts railways no less than 100 miles—

Mr. KITCHIN. No; it applies to railroads though less than 100 miles.

Mr. STERLING. Excuse me, I heard it incorrectly.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent to substitute the word "railroad" instead of "railway" there.

Mr. GALLAGHER. Does that except railroad terminals now?

Mr. STAFFORD. Mr. Chairman, let us have the amendment again reported.

Mr. GALLAGHER. Where does this leave the electric railroads?

Mr. KITCHIN. I expect it leaves them exactly where they are now in the other amendment. It does not affect them at all.

Mr. GALLAGHER. They will be dealt with.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the amendment was again reported.

Mr. KITCHIN. I ask unanimous consent that the word "railroad" be substituted for the word "railway."

The CHAIRMAN. Without objection, that will be done.

There was no objection.

Mr. MANN. Mr. Chairman, just a very slight observation. The bill now reads, "common carrier by railroad which is subject," and it is proposed to insert between "railroad" and "which" an exception to the exception and a proviso excepting that. There is a grammatical construction that will excite the curiosity of the world.

Mr. KITCHIN. I move the adoption of the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question recurs to the amendment of the gentleman from North Carolina [Mr. PAGE] as amended.

Mr. GALLAGHER. Mr. Chairman, can we have that amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported as amended.

The amendment as amended was reported.

Mr. ADAMSON. The gentleman from Illinois is correct. That proviso just offered by the gentleman from North Carolina [Mr. KITCHIN] ought to go in at the end of the sentence.

Mr. KITCHIN. Wait one minute and let me make an explanation. I came in and went to the gentleman from Georgia and asked him where this should go in and he said to put it where the amendment went.

Mr. ADAMSON. I showed the gentleman where the amendment went in. It is just like the crooked log where the pig went in and landed outside the field instead of inside.

Mr. KITCHIN. It is the gentleman's grammar, not mine.

Mr. ADAMSON. It was my grammar. I ask unanimous consent to replace it.

The CHAIRMAN. The gentleman asks unanimous consent to reconsider the vote by which the amendment of the gentleman from North Carolina [Mr. PAGE] was adopted. Is there objection to the reconsideration?

Mr. ADAMSON. If it is adopted I do not care anything about reconsidering it. I just want to replace it. We do not want it unless the Page amendment is adopted. If you vote on the Page amendment first, and it is adopted, put it at the end.

The CHAIRMAN. It would simplify matters very much if the Chair had been permitted to put that amendment some time ago, and then the other amendment was—

Mr. MANN. If the gentleman from North Carolina [Mr. KITCHIN] would temporarily withdraw his amendment—

Mr. ADAMSON. I suggest that it be temporarily withheld.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent to withhold that until the Page amendment is voted on.

The CHAIRMAN. The gentleman from North Carolina asks to withhold that amendment until the Page amendment is voted on.

Mr. KINCHELOE. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. KINCHELOE. I presume I am in the same fix that several Members here are. I am against the original Page amendment, but I am for the amendment with the Kitchin amendment added. So if the Page amendment were to be voted on first and adopted, and the Kitchin amendment was defeated, there would be a confusion here with a whole lot of us.

The CHAIRMAN. The remedy of the gentleman is to object, then.

Mr. HAMLIN. Mr. Chairman, reserving the right to object, my reasons are just as stated by the gentleman this moment. I am opposed to the Page amendment as it reads, but as amended by the amendment of the gentleman from North Carolina [Mr. KITCHIN] I would vote for it. I shall object to holding it until after the vote on the Page amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. HAMLIN] objects.

Mr. QUIN. Mr. Chairman, I would like to have the Kitchin amendment reported.

The CHAIRMAN. Without objection, the amendment of the gentleman from North Carolina [Mr. KITCHIN] will be again reported.

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects. The question is on the amendment offered by the gentleman from North Carolina [Mr. KITCHIN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. PAGE] as amended.

Mr. GALLAGHER. Mr. Chairman, I ask that the amendment as amended be again reported.

The CHAIRMAN. The amendment as amended will be again reported.

The Clerk read as follows:

Amendment by Mr. PAGE of North Carolina as amended: Page 1, line 8, after the word "railroad," and also after the word "railroads," on page 2, line 2, insert "except railroads independently owned and operated, not exceeding 100 miles in length, electric street railways, and electric interurban railways: *Provided*, That the above exceptions shall not apply to railroads, though less than 100 miles in length, whose principal business is leasing or furnishing terminal or transfer facilities to other railroads or are themselves engaged in transfers of freight between railroads or between railroads and industrial plants."

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that if this amendment should be adopted it be separated and the Kitchin amendment be placed at the end of the section.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that if the amendment as amended be adopted it shall then be separated, and then the amendment of the gentleman from North Carolina be placed at the end of the section. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SIMS. Will this amendment dislocate the vote on the 100-mile part of it before we vote on the other part?

The CHAIRMAN. The Kitchin amendment has been agreed to.

Mr. SIMS. I mean the Page amendment, which will be voted on, as amended.

The CHAIRMAN. That was offered by way of amendment. The gentleman from Colorado offered an amendment to strike that out, and that was voted on. The question is on the Page amendment as amended.

The question was taken, and the amendment as amended was agreed to.

The CHAIRMAN. The Kitchin amendment will be placed at the end of the section. Has the gentleman from Georgia [Mr. ADAMSON] any further amendment?

Mr. ADAMSON. No further other than to make that transfer which has already been agreed upon. There may be a little verbiage to change.

Mr. CLARK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

Mr. MANN. Mr. Chairman, I wish to submit a unanimous-consent request.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that in the amendment just voted on the word "railroads" be substituted for the word "railways." I see that the Page amendment reads "railways."

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that in the Page amendment the word "railroads" may be substituted for the word "railways" wherever the word "railways" occurs. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I ask unanimous consent that not later than 4 o'clock my colleague [Mr. STERLING] be permitted to offer an amendment as a new section. I make the request because I do not know whether we will get through the bill at that time or not.

Mr. ADAMSON. I have no objection to his offering it at any time.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that not later than 4 o'clock p. m. his colleague, the gentleman from Illinois [Mr. STERLING], may have the opportunity of offering an amendment as a new section.

Mr. HAMLIN. Mr. Chairman, reserving the right to object, I do not want to object, as I have no real objection to it. But I want to reserve the right to object in order to say that I have been seeking to-day very industriously to get a few moments of time to submit a few remarks on this bill. I am not particularly anxious to make a speech, but I have some data here that has been furnished me that I think would be of some information to the House and that I would like permission to insert in the RECORD.

Mr. MANN. The gentleman voted for the rule. We have not had more than an hour on this bill, and only 10 minutes of that has been occupied by this side of the House since we commenced under the five-minute rule. If the gentleman insists on gagging the minority so that we can have only 10 minutes—

Mr. HAMLIN. The minority had one-half of the time in general debate, and the gentleman from Illinois [Mr. MANN] was granted, without any objection, an extension of time—

Mr. MANN. That is the only time that has been used on this side in three-quarters of an hour.

Mr. HAMLIN (continuing). And I have had none. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD by printing a statement furnished to me in regard to the facts covered in this bill.

Mr. MANN. I gave notice that I will object to all extensions, and I will do it.

Mr. HAMLIN. Then I object to the request of the gentleman from Illinois.

Mr. MANN. The gentleman has that right, mean as it is. [Applause.]

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects to the request of the gentleman from Missouri [Mr. HAMLIN], and the gentleman from Missouri objects to the request of the gentleman from Illinois.

Mr. MANN. I move that all debate on section 1 be now closed, Mr. Chairman.

Mr. CLARK of Florida. Mr. Chairman, I offer an amendment.

Mr. ADAMSON. Mr. Chairman, I wish to relieve a situation here—

Mr. MANN. If the gentlemen of the majority propose to be indecent to the minority—

Mr. ADAMSON. I think it is perfectly in order for the Chair to recognize the gentleman from Illinois [Mr. STERLING].

Mr. MANN. It can not be in order until we reach the point in the bill.

Mr. ADAMSON. I understood the gentleman from Illinois [Mr. STERLING] wanted to offer his amendment to the bill in its entirety.

Mr. MANN. No; as a new section. That is the courtesy with which we are treated by the majority.

The CHAIRMAN. The gentleman from Illinois moves that all debate on section 1 be now closed.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that pending an amendment that has been offered it is not in order to make that motion.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Florida [Mr. CLARK].

The Clerk read as follows:

Amendment by Mr. CLARK of Florida: Add to section 1 the following proviso:

"Provided further, That this section shall also include and apply to station agents, train dispatchers, trackmen, office employees, workers in railway shops, and all other employees of a railroad carrier engaged in interstate carriage of passengers and freight."

Mr. CLARK of Florida. Mr. Chairman, I want to say that these employees, the train dispatchers, the shopmen, the trackmen, and other men who are engaged in their different work are just as much engaged in the real operation of interstate trains as are the engineers and the conductors, but the language of the bill would limit its application to those actually upon the trains.

Now, if these people who are pressing this bill want to tote fair, if they really want to benefit the laboring people of this country, they will not stop with increasing the salaries of the highest-paid workmen in the railway service. [Applause.] The engineers and the conductors get more pay in proportion to the work done than do the shopmen, the trackmen, the little station agents, and these other people whom I have named in that amendment, and their work is just as necessary for the operation of the trains as is the work of the engineers and the conductors.

I want to say this, gentlemen, that, so far as I am concerned—and I freely say it, because I do not want to take advantage of or mislead anybody—I am opposed to this legislation, but if you intend to legislate, then, for God's sake, legislate fairly and give all these people the advantage of what you propose. [Applause.]

I am in favor of an eight-hour day for all labor, all kinds of labor. But this is not an eight-hour-day proposition. It is simply a proposition to have Congress exert its power to raise the wages of certain classes of people in this country. I question our constitutional right to do it, and I have no doubt whatever as to the fact that we have no moral right to do it. I am in favor of arbitrating all these difficulties.

Arbitration is the only fair method to pursue in order to reach a just and honest conclusion, but that method is refused and we are rushed into the enactment of legislation which we have had no time to consider and deliberate upon.

I want to say this, gentlemen: I feel sadder to-day than at any time during my 12 years' experience here, because I have seen the legislative body of the Nation taken practically by the throat by the representatives of four organizations and made to do what they say, made to do their bidding, and given a limited time in which to do it. It is the work of the highwayman; it is characteristic of the banditti to hold up Congress and say, "If you do not do this, we will do the other. We will plunge this country into chaos, and we will bring misery and untold suffering upon all the millions of people in this land."

I am absolutely opposed to this legislation, because it is wrong. It is undemocratic and in radical opposition to every pronouncement of my party. I am further opposed to its being enacted in this manner. It is the act, as I said before, of the highwayman. The highwayman at the point of a pistol demands your money, and these men with a threat to bring untold misery and suffering upon the Nation demand this legislation. This proceeding is in exact accord with the method of the bandit, and as one Member of this House I will forfeit my seat in it to-day, and I hope I may never occupy it again, before, with my convictions on this subject, I will bow to the command of these arrogant brotherhood leaders and stultify myself by swallowing this kind of stuff. [Applause on the Republican side.]

Mr. ADAMSON. Mr. Chairman, the 400,000 members of the brotherhoods come no nearer having a strangle hold on my throat than the 1,600,000 who are working on the tracks and elsewhere.

This is an emergency measure. It matters not what anybody's opinion may be as to general legislation when we have an opportunity to legislate for a general eight-hour law. We are trying now, under the doctrine of public safety, to prescribe eight hours a day for those who are connected with the operation of trains. We are committed to that. We have already passed

legislation prescribing hours of service for that class of people. We have not time here to open the question for general legislation to accommodate the views of everybody on general questions that are not acute. We are dealing with an acute situation. We are trying to do just those things necessary to relieve that situation and no more. Hereafter, when we have time to legislate about the gentlemen who want eight hours, and who are represented by my distinguished friend from Florida, we can give it consideration. At this time let us confine our legislation to the necessary subjects in hand. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CLARK].

Mr. HEFLIN and Mr. HULBERT rose.

The CHAIRMAN. Does the gentleman from Alabama rise in support of the amendment?

Mr. HEFLIN. I rise to oppose it.

Mr. HULBERT. I want to oppose it.

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. HEFLIN. Mr. Chairman, the gentleman who offered this amendment has practically told us that if we vote for his amendment we vote against the bill. I am heartily in favor of this bill. I think that the trainmen of this country have a perfect right to come to the Members of this House and to the Senate and ask for a fair settlement of this matter. My friend Mr. CLARK of Florida was loudly applauded by gentlemen on the other side who are hoping that this strike will not be settled.

Mr. BURNETT. May I ask my colleague a question?

Mr. HEFLIN. Yes.

Mr. BURNETT. Is it not the gentleman's opinion that those who so loudly applauded will not have the nerve to vote for the amendment if they have to go on record?

Mr. HEFLIN. That is my opinion. The gentleman from Pennsylvania [Mr. MOORE] took the President to task this morning for trying to avert this great strike, a strike, gentlemen, that would clog the arteries of commerce and produce paralyzation of trade, and maybe starvation in many sections of the country. I fear that there are gentlemen on that side who do not want this strike controversy settled. Some of you have shown a disposition to play politics at the expense of the country. I think there are gentlemen over there who do not want this strike settled by the President and by the Congress. Gentlemen, do you know that since this strike has been pending the prices of food supplies have risen; potatoes have gone up a dollar a barrel because the dealers fear that the trains will soon stop running? In many places starvation threatens. What are you doing to help us solve this problem? This Democratic President is trying to prevent the strike. What did Mr. Cleveland do? He came forward after the strike was on and helped to break it up. What did Roosevelt do? He waited until the strike had raged five months in the coal mines, and then went and took charge, but demoralization reigned in all the mining regions of the country. What did President Wilson do? He took time by the forelock and is now trying to prevent the greatest strike that ever threatened this country. [Applause on the Democratic side.] What are you doing to prevent it, you partisans on that side, who are shaping your creed for your cravings and swallowing your convictions for a job? [Applause on the Democratic side.]

What are you Republicans doing? Some of you are hoping that this strike will come. You Republicans have some millionaires in another body near by who are hoping that the strike will come. Mr. Speaker, it does not take me long to locate a man in this body. I can spot him when I hear him speak five minutes. I know for what interest he speaks and to what crowd he belongs. You can not fool me, and you can not fool the country. I am standing here and pleading in the interest of the American people. I speak for the laboring man who wants justice and for justice to the railroads, and if the railroads need more freight rates, if they can show that they do, I will favor giving it to them. I am not against any legitimate interest in this country. I want to do justice by all of them, and I want the public considered also. It has rights. The laboring man has rights. The railroads have rights, and the American people have rights. Where are you going to stand on this question, gentlemen? This is a critical day. My friend from Florida [Mr. CLARK] speaks of being sad. He says this is a sad day with him. It is a glorious opportunity to me to be able in my humble way as a Representative to help to settle this question and avert this strike, and I am serving my country when I uphold the hands of President Wilson, who delivered that message here the other day, the bravest act since Andrew Jackson defied the national banks. [Applause on the Democratic side.] They say he puts his nose into things. Yes; he

puts his nose into things, and he settles them, and I make you the prediction that during the next four years he will settle, and settle fairly and justly, all the great industrial disorders in the United States. [Applause on the Democratic side.] He has the ability and the courage to do it. [Applause on the Democratic side.]

Mr. HULBERT. Mr. Chairman—

Mr. MOORE of Pennsylvania. Mr. Chairman, a point of order. I shall favor this amendment. Is it in order—

The CHAIRMAN. The gentleman from New York [Mr. HULBERT] is recognized.

Mr. MOORE of Pennsylvania. Is it in order for two gentlemen to speak on the same side of a question consecutively? The gentleman from Alabama [Mr. HEFLIN] opposed the amendment. I am in favor of it.

The CHAIRMAN. The Chair will recognize the gentleman to follow the gentleman from New York, if that be satisfactory.

Mr. MOORE of Pennsylvania. That is all I want, but I submit to the Chair—

Mr. HULBERT. The gentleman does not recognize the fact that I have suffered the opprobrium of sitting on this side, although I belong on the other side. [Laughter.]

Mr. MANN. The gentleman means that we have suffered. [Laughter.]

Mr. MOORE of Pennsylvania. The gentleman is better off for it.

Mr. HULBERT. I came over here in order to sympathize with you.

"The President and Congress are earnestly at work endeavoring to prevent the threatened railroad strike. Passions are rising and there are plenty of critics of every plan proposed. But the great public is concerned solely with the avoidance of the strike and not with fine-spun theories of law. If there had been time to deliberate, it is probable that Congress could have evolved a plan of permanent industrial peace through the suspension of strikes and lockouts pending Federal inquiry. Inasmuch, however, as the only way to avoid the strike is to establish the eight-hour day, the President and Congress are acting in obedience to the popular demand when they enact such legislation.

"If mistakes are made in the laws, they can be corrected at leisure; but a strike, once begun, can not be corrected. Irreparable losses will occur; indeed, damage has already been done to industry in every section of the country. Before this damage intensifies into disaster the menace of a strike must be removed.

"When the money cost of an eight-hour day is compared with the losses that would be caused by a strike, it sinks into insignificance. The highest estimate of the cost of an eight-hours day is \$100,000,000 a year; but a strike would paralyze manufacturing industries dependent upon interstate commerce which in 1910 employed 6,500,000 persons, earning \$11,000,000 a day. There are 6,000,000 farmers in the United States whose product, worth \$3,000,000,000, depends upon the railroads. The perishable fruit crop is worth \$140,000,000, and it would be a total loss with the stoppage of trains. The grape crop is worth \$25,000,000.

"In 1910 there were 2,217,342 babies in the United States under 1 year of age and 10,631,364 children under 5 years of age. What of them if the milk supply should be even seriously reduced? The infantile-paralysis menace is nothing compared with the slaughter of the innocents that would follow a milk shortage.

"Whether the threatened strike would be successful or not, in the sense of being complete, or whether the railroad managers would be able to break it with accompanying disorder and bloodshed, is not the issue. There must be no test of strength at the expense of the millions of wage earners and farmers, the women and children, and the varied business interests which support the population. Congress must establish the eight-hour day and stop the strike. That danger over, the whole subject of maintaining industrial peace can be considered carefully and legislation framed that will make it impossible for a similar danger to threaten the people of the United States."

This, Mr. Chairman, is an editorial which appeared in the Washington Post of this morning. It appeals to me as the sanest and most logical argument on this momentous question that can be presented—one which I think the majority of us can safely take as our guide. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The gentleman from Alabama [Mr. HEFLIN] in his eloquent speech defended the President of the United States. I assume that it is well that the President should

have such an able defender on this floor. Too little is heard here about what the President has accomplished during his entire administration. We have not heard anything recently, for instance, about the enormous deficiency in the Treasury. The loss of revenue due to the Underwood tariff law has been completely forgotten in recent days. The gentleman from Alabama talks about the glory of the country, the beauty of American womanhood, and the sturdy character of American manhood, but he fails to account for the \$290,000,000 which the President of the United States asked us to raise a few months ago because his economic policy, according to Gov. Colquitt, of Texas, had been "a complete failure."

Why does not the gentleman from Alabama tell us of some of the other things that have been temporarily forgotten in the excitement of the strike?

The gentleman from Alabama has said nothing recently about the nitrate plant, which is to take \$15,000,000 from the people of the country to establish an enterprise to increase the 30,000 employees who have been added to the Government pay roll since the Democrats came into power. Why not tell us about the \$50,000,000 shipping bill—

Mr. GORDON. Mr. Chairman, I make the point of order that the gentleman is not confining himself to the amendment.

Mr. MOORE of Pennsylvania. The gentleman from Alabama has overlooked many interesting facts—

The CHAIRMAN. The gentleman from Ohio makes the point of order that the gentleman from Pennsylvania is not discussing the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I shall discuss the amendment. I think perhaps the gentleman's point of order is well taken, but it might also have been taken against the gentleman from Alabama. The gentleman from Ohio can see the mote in the other fellow's eye, but he can not see the mote in the eye of a Democrat.

Mr. GORDON. Mr. Chairman, I insist on the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I concede the point of order. The gentleman from Alabama defended the attitude of the President of the United States upon this bill. He did that, and I am inclined to think the gentleman from Alabama would rather discuss the President's attitude on this strike bill now than to discuss the revenue question, or the armor-plate question, or the nitrate-plant question. I am inclined to think the gentleman from Alabama would rather keep his eyes off the Mexican situation now until after election in November. It might be unpleasant to explain why the National Guard is being kept along the Mexican border. The President's attitude on this strike bill is much more appropriate just now for the purposes of the campaign.

Why, Mr. Chairman, the gentleman from Alabama knows that the chairman of the Committee on Interstate and Foreign Commerce told this House on July 15 last that he had known for four months that trouble was impending, and that he had investigated and seen the proper parties concerned, and was able to report to this House and the country that there would be no strike. Is it possible the gentleman from Alabama, who was very conspicuous in nominating the President for a second term, did not know what the gentleman from Georgia and the President of the United States knew about this strike situation? Will he not agree that it was a mighty good thing to hold up until before election, when discussion of the revenue question, the nitrate plant, and the armor plate question, and other deficiencies, might be disagreeable?

It has seemed to me that the gentleman has preferred, for good and sufficient reasons—and I hope I am keeping within the rule—to talk strike and talk it volubly for fear the people of the country might want to ask a number of questions before the 7th of November.

I am inclined, Mr. Chairman, to think the amendment of the gentleman from Florida has merit—that if we are going to legislate for one class of employees, voluntarily or under duress, we had better legislate fairly and squarely for all other classes of labor. There ought to be a square deal all down the line. But because this strike question has arisen we should not be expected to forget or obliterate forever the mistakes of the Democratic administration. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that all debate on the section and pending amendments be now closed.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all debate on this section and all amendments thereto be now closed.

Mr. GARLAND. I shall object to that. I move to strike out the last two words.

Mr. ADAMSON. How much time does the gentleman want?

Mr. GARLAND. Five minutes.

Mr. ADAMSON. I move that all debate on this section and amendments thereto be closed in five minutes.

Mr. SMALL. Mr. Chairman, I have an amendment that I want to offer, with some time on it.

The CHAIRMAN. The gentleman from Georgia moves that all debate on this section and amendments thereto close in five minutes.

Mr. ADAMSON. I will make it 10 minutes.

The CHAIRMAN. The gentleman from Georgia moves that all debate on this section and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. GARLAND. Mr. Chairman, I am consistently in favor of the amendment offered by the gentleman from Florida.

Mr. SMALL. Mr. Chairman, I make the point of order that debate on this amendment is closed.

Mr. GARLAND. I moved to strike out the last two words.

Mr. ADAMSON. My motion contemplated five minutes for the gentleman from Pennsylvania [Mr. GARLAND], and five minutes for the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. I have no objection, Mr. Chairman.

Mr. GARLAND. Mr. Chairman, I am for the bill as it is presented to us and as it has been amended. I am for the amendment offered by the gentleman from Florida [Mr. CLARK]. I am consistently for both. I am for the amendment because the claim was given to the President of the United States on behalf of 1,600,000 employees by their representative, Mr. Frazier, who not alone came here in person but who wrote the President, and he, Mr. Frazier, was neglected. He has been ignored entirely, as have the 1,600,000 employees, or a sufficient number to make 80 per cent of the total number employed in the railways, or whatever the number is—80 per cent is enough. These gentlemen, represented by Mr. Frazier, came here and asked that they be given an opportunity to share in whatever legislation was enacted by this Congress, and they asked it for the reason that they deserve it.

They ask it for the further reason that they would proceed to organize and come and make the same demands, and would expect the same treatment at the hands of Congress. We hear the gentleman from Alabama [Mr. HEFLIN] rise here and wail about a strike and state that somebody wants a strike. I am consistent in this, that I am for this legislation and for the amendment. I do not want any strike, but I do want this Congress to take care of these poor fellows just as well as we are going to take care of the others, and I am for them all.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. GARLAND. Yes.

Mr. BENNET. On the average, do not the men who are covered by the Clark amendment get less wages than the 400,000 for whom we are legislating?

Mr. GARLAND. They certainly do; but the gentleman from Alabama [Mr. HEFLIN] fears that we are going to be pushed into a strike by reason of this amendment. Is that true? Who is going to strike if you put this amendment on this bill? Are the men who are to receive the benefits going to strike? Are the brotherhoods going to strike if you give this to these 1,000,000 other men? Who is to be kept from striking by the legislation that you are going to enact? The brotherhoods. Do they say that they would strike if these other men are given this privilege? Oh, no; not at all; but it seems to be the popular thing for this Democratic President to go along and try to pull off a stunt, and then, when he could not do it, to bring the foundling in here and advise us to pass this legislation for fear of strike.

Mr. FITZGERALD. The gentleman is for it?

Mr. GARLAND. I am for it.

Mr. FITZGERALD. Then what are you complaining about? [Laughter on the Democratic side.]

Mr. GARLAND. I am complaining because the President did not include the other 80 per cent. [Applause on the Republican side.]

I refuse to take up my time in answering the gentleman's questions further. We ought to pass this legislation, and we ought to add this amendment, and we ought to be consistent in our actions here now, because this is just the start. We expect to do more in the future, but we may as well avert two strikes, when we are averting one, rather than to continue on and have more legislation come in here in a week or two. I hope the amendment will be adopted and the bill will be passed. [Applause on the Republican side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CLARK].

The question was taken; and on a division (demanded by Mr. DENISON) there were—ayes 82, noes 101.

Mr. DENISON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. CLARK of Florida and Mr. ADAMSON to act as tellers.

Mr. ADAMSON. Mr. Chairman, the gentleman from Florida does not seem to be present.

The CHAIRMAN. The gentleman from Pennsylvania, Mr. GARLAND, will act as teller.

Mr. GARLAND and Mr. ADAMSON took their places as tellers.

The committee again divided; and the tellers reported—ayes 81, noes 120.

So the amendment was rejected.

Mr. CLARK of Florida. Mr. Chairman, I desire to make a statement so that I may not be misunderstood. I am paired with the gentleman from Illinois, Mr. FULLER. I have a general pair with him. That is the reason I was not in the Chamber to take my place as teller a moment ago.

The CHAIRMAN. The Chair desires to make a statement in order that gentlemen may understand the order of business. Under the rule we have about reached the point where the Chair will have to exercise some discretion in the matter. The gentleman from North Carolina [Mr. SMALL] will be recognized to offer an amendment, and will be recognized for five minutes on that amendment, at the end of which time all debate on this section and all amendments thereto will close. The gentleman from Tennessee [Mr. HOUSTON] has an amendment that he desires to offer to this paragraph, but which he does not desire to debate. The Chair thinks the chairman of the committee understands what it is.

Mr. ADAMSON. Yes; it is merely changing the date.

Mr. MANN. Mr. Chairman, I ask for the regular order. We are wasting time.

The CHAIRMAN. The Chair is undertaking to state what the Chair is going to do. After that is done the Chair is going to recognize the gentleman from Illinois, Mr. STERLING—

Mr. MOORE of Pennsylvania. Mr. Chairman, I have a substitute, about which I have given notice that I would like to have read under the same terms.

The CHAIRMAN. The Chair is going to recognize the gentleman from Illinois [Mr. STERLING] immediately after he has recognized the gentleman from Tennessee [Mr. HOUSTON].

Mr. SMALL. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. SMALL: Page 1, line 12, after the word "engaged" strike out the words "in any capacity" and insert in lieu thereof the words "as conductors, engineers, firemen, and trainmen."

Mr. ADAMSON. Mr. Chairman, I will ask the gentleman from North Carolina to yield to me for a moment. In order to accommodate my colleague from Illinois [Mr. STERLING] I ask unanimous consent that after the Small amendment has been acted upon the bill be read through entirely in order to reach the place where the gentleman from Illinois [Mr. STERLING] desires to offer his amendment.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that immediately after the action upon this amendment and the amendment to be offered by the gentleman from Tennessee [Mr. HOUSTON] the bill may be read through before further amendments are offered. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object—

Mr. ADAMSON. The gentleman from Illinois says he will adopt my first suggestion and offer it following the first section.

The CHAIRMAN. The gentleman from Georgia withdraws his request. The Chair hears no objection.

Mr. SMALL. Mr. Chairman, if I may have the attention of the chairman and the gentlemen of the committee. My amendment strikes out the words "in any capacity," in line 12, on page 1, and insert the words "engaged as conductors, firemen, engineers, or trainmen." I would not support any amendment to this bill which impaired its purpose, nor would I offer any amendment which had the same effect. The chairman of the committee says that we are confronting an emergency which makes this bill necessary, and in that I agree. What is the emergency? That the four brotherhoods representing conductors, engineers, firemen, and trainmen make certain demands, which if not granted or otherwise met will result in a strike, and the purpose of this legislation is to avert that strike.

Mr. KEATING. Will the gentleman yield?

Mr. SMALL. Yes; for a question.

Mr. KEATING. I know the gentleman desires to include all members of the brotherhoods.

Mr. SMALL. Yes, sir.

Mr. KEATING. As a matter of fact the gentleman has not included in his amendment switchmen or hostlers or a lot who are admitted by the brotherhoods and his amendment would not cover the membership of the brotherhoods.

Mr. SMALL. I am using the same language that the brotherhoods used, and if they have an accepted meaning in railway parlance, they will be included. I say that the language used by the brotherhoods is "conductors," "engineers," "firemen," and "trainmen," and I take it that the gentleman from Colorado will not deny that statement.

Mr. KEATING. Oh, yes; I do; the gentleman is mistaken.

Mr. SMALL. That language is used by the brotherhoods, and I repeat it. Now, if we do not want to have any ambiguity in the bill, if we are appointing a commission to investigate the facts and results of this legislation, we wish to use certain phraseology about which there will be no ambiguity, and this language is referred to in describing the four brotherhoods whose action threatens a strike and has made necessary this legislation. Now, the words "in any capacity" will make this bill ambiguous. It may be interpreted to include telegraph operators, if, perchance, as is frequently the case, a part of their duty is to handle messages in the operation of trains. It would include train dispatchers; it might include others, but it does not intend to include—

Mr. ADAMSON. If the gentleman will permit, there is already a telegraph law.

Mr. SMALL. I understand that. When you use the language "engaged in any capacity" in the operation of trains, why, you must interpret that language according to its ordinary meaning, and "in any capacity" would mean a man or employee who, in any capacity, took part in the operation of trains; and a train dispatcher, a telegraph operator, takes part under this language here. I think that we want to make it clear so that there shall be no misunderstanding. If we strike out those words "in any capacity" and insert in lieu thereof "engaged as conductors, engineers, firemen, and switchmen," we would make it clear.

Now, the gentleman from Colorado says that does not include hostlers and switchmen who are in the brotherhoods.

Mr. TALBOTT. And baggage-masters?

Mr. SMALL. Yes, I say this amendment carries out the purpose, and I submit that we ought to make it certain and definite, and it should be adopted so as not to leave anything indefinite and in an ambiguous form.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was rejected.

Mr. HOUSTON. Mr. Chairman, in line 9, page 1, to correct the date, where it says "February 1," it should be "February 4, 1887." I make that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 1, in line 9, by striking out the word "first" and inserting the word "fourth."

The question was taken, and the amendment was agreed to.

Mr. STERLING. Mr. Chairman, I offer the following amendment as a new section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STERLING: Page 2, after section 1, add the following as a new section:

"That the act entitled 'An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees,' approved July 15, 1913, be amended by adding thereto as new sections thereof the following:

"Sec. 12. Whenever a controversy shall arise between an employer or employers and employees subject to this act, which can not be settled through mediation and conciliation in the manner provided in this act, and the Board of Mediation is unable to induce the parties to submit their controversy to arbitration in accordance with the provisions of this act, the said controversy shall be referred to a board of investigation, which shall consist of 11 members, of which each of the parties to the controversy shall have the right to recommend 4, and these 8, together with 3 other members, one of whom shall act as chairman of the board, shall be appointed by the President of the United States. Upon notice by the President of the appointment of the board of investigation, the Board of Mediation and Conciliation shall arrange a time for the beginning of the investigation and a place where such proceedings may be held. The board of investigation shall organize and make all necessary rules for conducting its hearings. The board shall fully and carefully ascertain all the facts and circumstances, and in its report shall set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case. Its recommendation shall deal with each item of the dispute and shall state what in the board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the board expedient so to do, its recommendation shall also state the period during which the proposed settlement should continue in force and the date from which it should commence. The report shall be made

to the Board of Mediation and Conciliation, who shall cause the same to be published.

"All testimony before the board of investigation shall be given under oath or affirmation, and any member of the board shall have the power to administer oaths or affirmations. It shall be furnished such assistants as may be necessary in carrying on its work.

"Each member of the board of investigation shall receive such compensation as may be fixed by the Board of Mediation and Conciliation, together with his traveling and other necessary expenses. So much as may be necessary of the appropriation of the Board of Mediation and Conciliation for the fiscal year ending June 30, 1917, is hereby made available for the payment of the necessary and proper expenses of boards of investigation. Authority for incurring expenses, including subsistence, by boards of investigation shall first be obtained from the Board of Mediation and Conciliation.

"Sec. 13. Pending the efforts of the Board of Mediation and Conciliation to induce the employer or employers and employees to submit their controversy to arbitration, and until the investigation of such controversy by the board of investigation provided for in section 12 of this act has been completed and its report thereon published, it shall be unlawful for the employer or employers to declare or cause a lockout, or for the employees, acting in combination, to declare or cause a strike on account of such controversy.

"Sec. 14. Any railroad company declaring or causing a lockout, or any officer or agent of any railroad company who assists or participates in declaring or causing a lockout contrary to the provisions of this act, shall be liable to a fine of not less than \$500 nor more than \$5,000 for each day or part of a day that such lockout exists.

"Any officer, agent, or employee of any organized body of labor or labor organization who declares or causes a strike contrary to the provisions of this act shall be liable to a fine of not less than \$500 nor more than \$5,000 for each day or part of a day that such strike exists.

"Any person who incites, encourages, or aids in any manner any employer to declare or continue a lockout, or any person who aids in any manner any officer, agent, or employee of any organized body of labor or labor organization in declaring or causing a strike contrary to the provisions of this act, shall be guilty of a misdemeanor and liable to a fine of not less than \$10 nor more than \$100.

"Sec. 15. Any provisions of said act of July 15, 1913, which are inconsistent with the provisions of this amendatory act are hereby repealed."

Mr. ADAMSON. I make the point of order on that. It is foreign to every word and syllable in this pending bill and not germane in any respect.

Mr. MANN. I did not hear what the gentleman said.

Mr. ADAMSON. I say it is not germane in any respect. It is foreign to every word and syllable and akin to no part of the subject in any respect.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] makes a point of order that the amendment is not germane to the bill.

Mr. MANN. Mr. Chairman, the bill now pending before the House is the result of the President's message delivered to Congress a few days ago. The gentleman from Georgia as well as other gentlemen talking in favor of the bill have each stated that it was for the purpose of preventing a strike.

Mr. ADAMSON. Will the gentleman yield?

Mr. MANN. I will.

Mr. ADAMSON. Does not the gentleman think that whether it is in order or not it is determined by the contents of the paper and not by extraneous statements or evidence?

Mr. MANN. Oh, the purpose of the bill can be gathered from a report, from statements made by the man in charge of the bill on the floor of the House, as well as by the contents of the bill; and if the court is called upon to construe the law the court can take into consideration as well the report of a committee—though I do not know what the report of this committee is—and the statement of the gentleman in charge of the bill.

Now, the gentleman seeks to claim by the point of order that this bill is not for the purpose of preventing a strike; that it has no relation to a strike. The amendment offered by the gentleman from Illinois [Mr. STERLING], my colleague, proposes to couple with the existing bill a provision that hereafter before a strike can occur between railroads and their employees the President shall have the power to appoint a commission to make an investigation for the purpose of preventing the strike. This bill is for the purpose of preventing a strike, and the Chair holds that a provision proposed to be attached to it also for the purpose of preventing a strike is not germane to the bill. One of the surprising features to me in this connection is that the President, having made his recommendation to Congress, should now, through his instruments on the floor of the House, insist that the major portion of his recommendations shall not even be allowed to be considered in the House, but that only those portions of his recommendations can be considered which he says we shall consider. I insist, Mr. Chairman, that the whole subject matter involved in the recommendations of the President, made for the purpose of preventing the strike, are germane to this bill, which openly and avowedly is for the same purpose.

Mr. FITZGERALD. Mr. Chairman, the title of this bill is "A bill to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other pur-

poses." Of course, no one takes the statement of the gentleman from Illinois [Mr. MANN] seriously, that any proposition designed to prevent a possible strike upon the part of certain employees of railroads is germane to this bill. The gentleman has in mind a message read to the House by the President of the United States, and if that message were under consideration in the form of legislation this amendment would be in order as germane, but the House is not considering the message of the President, which, under the Constitution, was read to the House for the purpose of giving information on the state of the Union. It is considering a legislative proposition. This bill proposes to establish eight hours as the standard day's labor for certain employees in the operation of trains engaged in interstate commerce, to create a commission to investigate the conditions of the operation of such a law, and to prevent a reduction of compensation after the legislation goes into effect. There is nothing in the bill whatever relative to mediation, nothing in reference to contemplated, proposed, or impending strikes, and, under innumerable decisions which should not be read now to take up the time, now so brief. It is quite clear that the amendment is not in order. The gentleman's speech might have been in order under general debate on this bill. It is ridiculous to assume that he meant his argument seriously on this matter.

Mr. STAFFORD. Mr. Chairman, permit me just a word. If this bill only consisted of the first section providing for an increase of wages perhaps the amendment offered by the gentleman from Illinois would not be in order. I ask the attention of the Chair to the provision carried in section 2, which provides for an investigation made by a commission of three of certain facts pertaining to industrial disputes on interstate carriers. That is a distinct, substantive proposition providing for a commission to investigate certain conditions now prevailing upon the railroads of this country. The gentleman's proposal is nothing more than an investigation of conditions that may occur in the future on these same interstate carrier railroads and is but perpetuating and making permanent what is in a way provided for temporarily in section 2.

This bill provides for something more than one object. It is something more than a bill to increase the rate of wages. It is a bill to authorize the appointment of a commission to ascertain facts. The purport of the amendment offered by the gentleman from Illinois is likewise an authorization for the appointment of a commission to investigate facts, not as to this industrial dispute existing to-day, but in the future.

We have a bill before us that is not limited to one single object, namely, that of increasing the rate of wages of certain interstate railway employees, but also providing for the creation of a commission. By providing for that second matter I submit it is worthy at least of consideration that where a bill authorizes a commission to investigate something now existing another amendment providing for a permanent body to investigate those same conditions is germane.

The CHAIRMAN. The Chair will rule. The Chair would wish that there might be some further time for an argument upon this matter and examination of the precedents, because the Chair is inclined to state that he is not entirely clear in his own mind. But it does appear to the Chair, from such examination as he has been able to give to the amendment that is proposed, and from such hurried examination of the precedents as he has been able to make, that the amendment which has been offered by the gentleman from Illinois [Mr. STERLING] is not germane to any part of this particular bill which is before the House, and therefore, on the ground that it is not germane, the Chair sustains the point of order.

Mr. MANN. I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chairman announced that he was in doubt.

The CHAIRMAN. As many as favor the decision of the Chair as the judgment of the committee will rise and stand until they are counted. [After counting.] One hundred and nine gentlemen have risen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Ninety-two gentlemen have risen in the negative. Upon this vote the ayes are 109 and the noes are 92, and the decision of the Chair stands as the judgment of the committee.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer a substitute for the bill.

Mr. ADAMSON. Mr. Chairman, I want to make a correction in one place. On page 3, line 2, after the word "rent," insert the words "in the District of Columbia and elsewhere." Otherwise the commission could not rent quarters. I ask unanimous consent to insert that on page 3, line 2.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend. on page 3, line 2, after the word "rent," by inserting the words "in the District of Columbia and elsewhere."

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Has that section been read?

Mr. ADAMSON. It has not been. I asked unanimous consent.

Mr. MANN. Oh, no.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent—

Mr. MANN. It is now half past 4 o'clock. The committee has no power.

The CHAIRMAN. It was not at the time the gentleman made his request.

Mr. MANN. I will not dispute as to that with the Chair.

Mr. ADAMSON. Mr. Chairman, under the rule, the committee rises.

The CHAIRMAN. Under the rule the committee rises automatically to report to the House.

The committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 17700) to establish an 8-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes, had directed him to report it back to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. ADAMSON. None.

The SPEAKER. If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. PARKER of New Jersey. Mr. Speaker, I yield to the gentleman from Illinois [Mr. STERLING] to make a motion with instructions.

The SPEAKER. The gentleman will send it up.

Mr. STERLING. Mr. Speaker, I offer the following motion.

The SPEAKER. The Clerk will report it.

Mr. ADAMSON. Mr. Speaker, that was the same motion that was read as an amendment in the Committee of the Whole. Will it be possible to get consent to dispense with the second reading of it here?

Mr. MANN. I do not think it will hurt that side to have it read the second time. It is in conformity with the President's recommendation.

The Clerk read as follows:

Mr. STERLING moves to recommit the bill to the Committee on Interstate and Foreign Commerce, with directions to that committee to report the bill back forthwith, with the following amendment:

Add to the bill as a new section the following:

"Sec. —. That the act entitled 'An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees,' approved July 15, 1913, be amended by adding thereto as new sections thereof the following:

"Sec. 12. Whenever a controversy shall arise between an employer or employers and employees subject to this act which can not be settled through mediation and conciliation in the manner provided in this act, and the Board of Mediation is unable to induce the parties to submit their controversy to arbitration in accordance with the provisions of this act, the said controversy shall be referred to a board of investigation, which shall consist of 11 members, of which each of the parties to the controversy shall have the right to recommend 4, and these 8, together with 3 other members, one of whom shall act as chairman of the board, shall be appointed by the President of the United States. Upon notice by the President of the appointment of the board of investigation, the Board of Mediation and Conciliation shall arrange a time for the beginning of the investigation and a place where such proceedings may be held. The board of investigation shall organize and make all necessary rules for conducting its hearings. The board shall fully and carefully ascertain all the facts and circumstances, and in its report shall set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case. Its recommendation shall deal with each item of the dispute and shall state what in the board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the board expedient so to do, its recommendation shall also state the period during

which the proposed settlement should continue in force and the date from which it should commence. The report shall be made to the Board of Mediation and Conciliation, who shall cause the same to be published.

"All testimony before the board of investigation shall be given under oath or affirmation, and any member of the board shall have the power to administer oaths or affirmations. It shall be furnished such assistants as may be necessary in carrying on its work.

"Each member of the board of investigation shall receive such compensation as may be fixed by the Board of Mediation and Conciliation, together with his traveling and other necessary expenses. So much as may be necessary of the appropriation of the Board of Mediation and Conciliation for the fiscal year ending June 30, 1917, is hereby made available for the payment of the necessary and proper expenses of boards of investigation. Authority for incurring expenses, including subsistence, by boards of investigation shall first be obtained from the board of mediation and conciliation.

"SEC. 13. Pending the efforts of the Board of Mediation and Conciliation to induce the employer or employers and employees to submit their controversy to arbitration, and until the investigation of such controversy by the board of investigation provided for in section 12 of this act has been completed and its report thereon published, it shall be unlawful for the employer or employers to declare or cause a lockout, or for the employees, acting in combination, to declare or cause a strike on account of such controversy.

"SEC. 14. Any railroad company declaring or causing a lockout, or any officer or agent of any railroad company who assists or participates in declaring or causing a lockout contrary to the provisions of this act, shall be liable to a fine of not less than \$500 nor more than \$5,000 for each day or part of a day that such lockout exists.

"Any officer, agent, or employee of any organized body of labor or labor organization who declares or causes a strike contrary to the provisions of this act shall be liable to a fine of not less than \$500 nor more than \$5,000 for each day or part of a day that such strike exists.

"Any person who incites, encourages, or aids in any manner any employer to declare or continue a lockout, or any person who aids in any manner any officer, agent, or employee of any organized body of labor or labor organization in declaring or causing a strike contrary to the provisions of this act, shall be guilty of a misdemeanor and liable to a fine of not less than \$10 nor more than \$100.

"SEC. 15. Any provisions of said act of July 15, 1913, which are inconsistent with the provisions of this amendatory act are hereby repealed."

Mr. ADAMSON. Mr. Speaker, I make the point of order that this motion to recommit is not in order, because it was not in order as an amendment to the bill and is not germane in any respect.

This bill seeks to establish, first, an eight-hour workday; second, a commission to investigate the operation of that eight-hour workday; third, to hold the present status until the report is made; and, fourth, it fixes a penalty for violation. There is not a word in it about strikes or arbitration, nothing akin to it, in any syllable or sentence or word or letter.

Mr. MANN. Mr. Speaker, I think if my friend from Georgia had pursued his discourse a few sentences further he would have said this bill is not for the purpose of affecting the question of a strike; that it is not to prevent a strike; that it has nothing to do with a strike. He went nearly that far. [Laughter.]

Mr. Speaker, we were told about the time you came into the occupancy of that chair which you occupy so well that the rules of the House had been made more liberal, so that the House would have a chance to consider propositions. The other day the President came before the House and in a message made six recommendations, numbered, "for the purpose of preventing a strike." That is what the President said. One of those recommendations was in regard to the establishment of eight hours as a basis for compensation. That is covered in this bill. One of the recommendations was for the appointment by the President of a small body of men to observe by experience certain things. That is covered or intended to be covered by one of the provisions of this bill. There were six of these recommendations, all relating to the same subject matter—the prevention of strikes. The Committee on Interstate and Foreign Commerce has reported a bill covering two of these recommendations. They are all connected. They are all allied. They were all made by the President at the same time, for the same purpose.

Mr. ADAMSON. Mr. Speaker, will the gentleman permit a question?

Mr. MANN. Yes.

Mr. ADAMSON. As a great parliamentary authority, as I know the gentleman is, does he think the Chair ought to decide whether this motion is germane to the bill by allunde statements and facts, or should the Chair decide it by the contents of the papers themselves?

Mr. MANN. I do not think that the Chair in reading this bill should forget all he knows. That is what the gentleman from Georgia undertakes to do.

Mr. FITZGERALD. We have to do it to hold it in order. [Laughter.]

Mr. MANN. He could easily forget all that the gentleman from New York knows without losing much information. [Laughter.]

The SPEAKER. The House will be in order. Gentlemen will take their seats. If nobody else cares to hear this argument on the point of order, the Chair wants to hear it.

Mr. MANN. Mr. Speaker, the gentleman from Georgia says I have some little knowledge of parliamentary law. I do not profess to have a great deal. In my honest judgment, this proposition is in order in the bill.

The SPEAKER. The Chair would like to ask the gentleman a question. Suppose this amendment had been offered in the form of a House bill. To what committee would the Chair have referred it?

Mr. MANN. To the Committee on Interstate and Foreign Commerce. There is no other place where it could be referred.

Mr. ADAMSON. He has been sending it to the Committee on the Judiciary for six years.

Mr. MANN. Oh, the gentleman from Georgia has a memory so short that he can not remember overnight.

Mr. ADAMSON. I beg the gentleman's pardon—

Mr. MANN. The Newlands Act was reported from the gentleman's committee.

Mr. ADAMSON. I beg the gentleman's pardon. It went to the Committee on the Judiciary over my protest. [Laughter.]

Mr. MANN. All of these bills, both here and in the Senate, go to the Committee on Interstate Commerce. Here we call it the Committee on Interstate and Foreign Commerce. All of these bills here and in the Senate go to the Committee on Interstate Commerce. All of the President's propositions are related to the same subject matter. Do we propose to have a ruling that the House, in considering this great question to prevent a strike, is throttled by the rule, so that we have no power to adopt methods which may ward off a strike in the future? Are we and our rules so futile that we can not even consider a proposition which may stop strikes in the future? Why, Mr. Speaker, the Newlands Act, which passed this House, contained all sorts of propositions of this kind. I have no doubt if the gentleman from Georgia had had his way he would have declared that an amendment providing for arbitration would not be in order in a bill providing for mediation and conciliation.

Mr. ADAMSON. Will the gentleman yield?

Mr. MANN. I always yield to the gentleman, hoping to get information.

Mr. ADAMSON. We have been doing some things, but not all things, and in the language of the dying saint, I want to assure the gentleman that "we hope to meet again," in Congress, to finish the work.

Mr. MANN. Oh, Mr. Speaker, in the language of somebody better than the dying saint, "now is the accepted time." [Applause and laughter on the Republican side.] I contend that we have the right on this bill to present these propositions, all of which are germane to one another. The bill now pending contains two of them, not related. Section 1 of the bill does not at all depend upon section 2. All six of the President's recommendations were related. All related to the prevention of strikes. I contend that the Speaker of this House, having the knowledge that he has, should hold that this is a bill intended to prevent a strike, and that a provision which will prevent a strike in the future, a year from now, is just as germane as one intended to prevent a strike next Monday. [Applause.]

Mr. FITZGERALD. Mr. Speaker, when the gentleman from Illinois [Mr. MANN] confesses that he does not know much about parliamentary law, he means that he confesses that he has not a very good argument to present in support of his proposition. The Democratic Party, when it promised to liberalize the rules of the House, did not promise that there should be chaos in the transaction of the business of the House. It did not propose that all legislation that might properly be referred to a particular committee should be in order in a single bill if offered as amendments to it. The rule of germaneness has been established since the organization of the House of Representatives. It was not a rule in the House of Commons. The rule in the House of Commons was that any amendment could be offered to a bill, and the purpose of offering amendments that were not germane was to change so completely the character of a bill as to make those who favored it vote against it after the alterations. The purpose of the proposed amendment is to change the character of this bill, so that those who are anxious to meet the present emergency would be compelled, because of the doubtful constitutionality of the proposition, to vote against the bill. [Applause on the Democratic side.] Under the rules of the House amendments must be germane. They must be germane for well-defined and specific reasons. The House is entitled to have some information, or to be able to draw some inferences as to the character of the amendments that are to be considered. That is in the interest of orderly procedure, and

to prevent the consideration of undigested legislation in haste. The mere fact that the gentleman from Georgia [Mr. ADAMSON] is the chairman of a committee that has jurisdiction over the construction of bridges across navigable streams does not make a bridge bill germane to this particular bill. This bill provides a standard workday of eight hours for certain employees in the operation of trains engaged in interstate commerce. It provides for the appointment of a commission to investigate and report upon the effect of such a standard workday. It provides that during the continuance of the commission there shall be no change in the compensation paid for the standard workday of eight hours from that now paid for the prevailing standard day on the roads, and it makes any violation of the provisions of the proposed law a crime. Any provision is germane to this bill, and in order, that could naturally and reasonably and logically be expected to follow or to be applied to any of its provisions. Any modification of the hours of the proposed standard workday, any change in the complexion of the commission or of its duties, any enlargement or diminution of the offenses created, any change in the conditions affecting the compensation during the existence of the commission—any such proposition would undoubtedly be germane.

But the gentleman proposes, not something that reasonably and naturally and logically follows the provisions in the bill, but he proposes to amend an existing law on a subject apart from, and unrelated to, anything contained in the bill.

The gentleman from Illinois is attempting to confuse the House and to mislead the Speaker by urging that the President's recommendations are to be considered as the basis as to whether proposed amendments to the bill are germane.

Mr. Speaker, the President reads an annual message to Congress, and it usually is referred to a number of different committees. If such a message had references in it to the revenue and a revenue bill were introduced from the Committee on Ways and Means, the gentleman from Illinois would not seriously contend that some other subject matter referred to by the President would be in order as a germane amendment to such a revenue bill. Nor could it be considered that, if the President in urging a revision of the tariff laws urged the creation of a tariff commission, such a provision would be in order in a bill revising the tariff law, although the Committee on Ways and Means has jurisdiction of both subjects. It could not be urged successfully, because distinguished Republican Speakers have held to the contrary when such questions arose in the House.

So, Mr. Speaker, the gentleman from Illinois is not serious in urging this amendment as germane. He is attempting to mislead the country into the belief that the Democratic Party is not in earnest in its attempt to meet the present existing emergency. Everyone knows that a comprehensive program of legislation could not be enacted in time to prevent the contemplated strike of certain railroad employees. Certain legislation embodied in this bill if enacted into law, or if the Congress acts in such a way as to show that there is a reasonable probability that within a brief time it will be enacted into law, will avert the strike. [Applause.] In the interest of the body politic, in the interest of the people of the United States, regardless of how certain elements in the community may or may not be affected in an effort to avert a great calamity that threatens our country, the Democratic Party comes forward in the emergency with the one practical proposition that will prevent the impending calamity. [Applause on the Democratic side.]

We had hoped, but we ought not to have expected, the patriotic support of our political opponents in this House in this crisis. [Applause on the Democratic side.] Their conduct shows that they are not attempting to help. They are attempting to hinder, so that it is necessary for us, under the rules adopted by the House, under the long established precedents dating from the organization of the Government, to go forward in this matter without their help and despite their futile opposition. [Cries of "Rule!" "Rule!"]

The SPEAKER. It does not hasten matters to be crying for a vote. The Chair wants to hear a sufficient number of gentlemen to get all of the information he can. He does not assume to know everything.

Mr. PARKER of New Jersey. Mr. Speaker, I desire to point out to the Chair, reading from page 13363 of the Record, that the whole of the special message of the President on this subject of strike and the remedy for it was referred to the Committee on Interstate and Foreign Commerce, and that his suggestion was that all of these recommendations—and the fifth is the same proposed in the motion to recommit—should be embodied

in an amendment to one bill, that of the interstate-commerce bill, enlarging the membership of the Interstate Commerce Commission. The committee received the message and this bill has been reported. It is not true that that bill refers only to labor and a labor day. The gentleman who has taken this point of order has not noticed page 2 of the bill, at lines 13 and 14, in which the commission that has been made is not only to look into the operation and effect of the institution of the eight-hour day—standard workday—as above defined, but also general labor conditions. The words are, "and the facts and conditions affecting the relations between such common carriers and employees."

The bill therefore orders a report on the facts and conditions which affect the relations of the employers and employees. This motion to recommit instead of waiting for such report says let us pass a measure which affects these relations so as to deal with the matter now instead of hereafter. By the bill all these matters contained in the President's message are to be referred to a commission. We insist that that makes it perfectly in order to say that, instead of referring them to a commission, we will legislate now upon one of those matters which otherwise goes to the commission.

The SPEAKER. The Chair is ready to rule. The gentleman from Illinois [Mr. MANN] suggests that the President made six recommendations in his message. That is true. Of course, the Chair, like everyone else, has a great deal of respect for recommendations made by the President of the United States, but the Chair is surely not expected to rule on the six propositions laid down by the President in that message. It might take six bills, or it might take four, or it might take three. In the bill before the House there are two of the recommendations that the President made, and both of them affect the question of wages, and do not affect anything else. Critically considered, the Speaker might have cut that message up and referred various parts of it to various committees, but he did not choose to do that. It was a hurried proceeding all around.

The gentleman from Illinois [Mr. MANN] very correctly suggests that the Speaker does not have to forget all he knows in order to rule upon a point of order, and what the Chair does know is that those six propositions laid down by the President embodied two principal features, one of which was to prevent a strike from taking place on all of the railroads of the United States at 7 o'clock next Monday morning, and the other looking to a general system of preventing strikes in days to come. The one that we are working on now is to prevent a strike at 7 o'clock next Monday morning. All of the propositions laid down in the motion of the gentleman from Illinois [Mr. STERLING] may be of the highest merit. The Chair is not passing upon that; he does not have to pass upon it. This bill contains four sections. One of them establishes an eight-hour law. The second section is to appoint a commission of observation—and that is exactly what it is—which is to make its report at a certain time. The third is that, pending the report of this commission and for a period of 30 days thereafter, the compensation of the railway employees subject to the act shall not be reduced below the present standard day's wage, and that for all necessary time in excess of eight hours such employees shall be paid at a rate not less than the pro rata rate for such standard eight-hour workday. Section 4 prescribes penalties for violating the provisions of the bill.

The Chair does not think that the motion of the gentleman from Illinois [Mr. STERLING] is germane, and, therefore, sustains the point of order made by the gentleman from Georgia [Mr. ADAMSON].

Mr. MANN. Mr. Speaker, I respectfully appeal from the partisan decision of the Chair.

Mr. FITZGERALD. Mr. Speaker, I move to lay that appeal on the table.

The SPEAKER. The gentleman from Illinois appeals from the decision of the Chair, and the gentleman from New York moves to lay that appeal on the table. The Chair feels some delicacy about counting in his own case, and without objection the Chair will take this vote by tellers.

Mr. MANN. Oh, Mr. Speaker, I am going to ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. FITZGERALD] to table the appeal from the decision of the Chair made by the gentleman from Illinois [Mr. MANN]. The Clerk will call the roll.

The question was taken; and there were—yeas 204, nays 87, answered "present" 9, not voting 132, as follows:

YEAS—204.

Abercrombie	Doremus	Key, Ohio	Rouse
Adamson	Doughton	Kirchelos	Rubey
Alexander	Dowell	King	Rucker
Allen	Driscoll	Kinkaid	Russell, Mo.
Almon	Dupré	Kitchin	Russell, Ohio
Ashbrook	Eagan	Konop	Scott, Pa.
Aswell	Eagle	La Follette	Scully
Ayres	Edwards	Lenroot	Sears
Bailey	Estopinal	Lesher	Shallenberger
Barkley	Evans	Lever	Sherley
Barnhart	Farley	Lewis	Sherwood
Black	Farr	Lieb	Siegel
Boomer	Fields	Liebet	Sims
Borland	Fitzgerald	Lindbergh	Sinnott
Bruckner	Flynn	Linthicum	Sisson
Brumbaugh	Gallagher	Littlepage	Small
Buchanan, Ill.	Gallivan	Lloyd	Smith, Minn.
Buchanan, Tex.	Gandy	Lobeck	Smith, N. Y.
Burnett	Gard	London	Smith, Tex.
Byrnes, Tenn.	Garrett	McAndrews	Sparkman
Caldwell	Glass	McClintic	Stegall
Campbell	Goodwin, N. C.	McCracken	Stedman
Candler, Miss.	Goodwin, Ark.	McClulloch	Steele, Iowa
Caraway	Gordon	McLemore	Steele, Pa.
Carew	Gray, Ind.	Maher	Stephens, Miss.
Carlin	Griffin	Mays	Stephens, Tex.
Casey	Hamill	Montague	Stone
Cline	Hamlin	Moon	Swift
Coady	Hardy	Moss	Tazgart
Coleman	Harrison	Murray	Tague
Collier	Haskell	Neely	Talbot
Connelly	Hastings	Nelson	Tavener
Conry	Hayden	Oliffeld	Taylor, Ark.
Cooper, Ohio	Heflin	Oliver	Temple
Cooper, Wis.	Helgesen	Olney	Thomas
Costello	Helvering	Overmyer	Thompson
Cox	Hilliard	Padgett	Tillman
Cramton	Holland	Page, N. C.	Tribble
Crosser	Hood	Phelan	Van Dyke
Cullop	Houston	Pou	Venable
Curry	Howard	Quin	Vinson
Dale, N. Y.	Huddleston	Ragsdale	Watkins
Davenport	Hulbert	Rainey	Watson, Va.
Davis, Minn.	Hull, Iowa	Raker	Webb
Dent	Hull, Tenn.	Randall	Whaley
Dewalt	Humphreys, Miss.	Rauch	Wheeler
Dickinson	Igoe	Rayburn	Williams, W. E.
Dies	Jacoway	Reilly	Wilson, La.
Dixon	Johnson, Ky.	Ricketts	Wingo
Doelling	Jones	Riordan	Wise
Doolittle	Keating	Rodenberg	Young, Tex.

NAYS—87.

Bacharach	Fordney	Lafean	Roberts, Mass.
Barchfield	Gardner	Leibach	Rogers
Beales	Garland	McArthur	Rowe
Bennet	Glynn	Mann	Sanford
Bowers	Gould	Meeker	Sells
Britt	Gray, N. J.	Miller, Del.	Simp
Britten	Green, Iowa	Mondell	Smith, Idaho
Browning	Greene, Vt.	Mooney	Stafford
Butler	Griest	Moore, Pa.	Stearling
Cannon	Hadley	Morgan, Ind.	Stiness
Carter, Mass.	Haugen	Morgan, Okla.	Timberlake
Chandler, N. Y.	Heaton	Mudd	Tinkham
Cooper, W. Va.	Hicks	North	Townner
Dale, Vt.	Hollingsworth	Oakey	Treadway
Dallinger	Hopwood	Parker, N. J.	Vare
Danforth	Husted	Parker, N. Y.	Volstead
Darrow	Johnson, S. Dak.	Platt	Watson, Pa.
Dempsey	Kelster	Porter	Williams, Ohio
Dillon	Kennedy, Iowa	Powers	Wilson, Ill.
Edmonds	Kennedy, R. I.	Ramsayer	Winslow
Fess	Kreider	Reavis	Wood, Ind.

ANSWERED "PRESENT"—9.

Denison	Hawley	Patten	Steenerson
Foster	Morrison	Sloan	Sutherland
Gillett			

NOT VOTING 132.

Adair	Dill	Hay	McFadden
Aiken	Drukker	Hayes	McGillcuddy
Anderson	Dunn	Helm	McKellar
Anthony	Dyer	Henry	McKenzie
Austin	Ellsworth	Hensley	McKinney
Beakes	Elston	Hernandez	McLaughlin
Bel	Emerson	Hinds	Madden
Blackmon	Esch	Howell	Magee
Browne	Fairchild	Hughes	Mapes
Burgess	Ferris	Humphrey, Wash.	Martin
Burke	Finley	Hutchinson	Matthews
Byrnes, S. C.	Flood	James	Miller, Minn.
Callaway	Foss	Johnson, Wash.	Miller, Pa.
Cantrill	Frear	Kahn	Morgan, La.
Capstick	Freeman	Kearns	Mott
Carter, Okla.	Fuller	Kelley	Nicholls, S. C.
Cary	Garver	Kent	Nichols, Mich.
Charles	Good	Kettner	Nolan
Chipperfield	Graham	Kless, Pa.	Norton
Church	Gray, Ala.	Langley	Oglesby
Clark, Fla.	Greene, Mass.	Lazaro	O'Shaunessy
Copley	Gregg	Lee	Paige, Mass.
Crago	Guernsey	Loft	Park
Crisp	Hamilton, Mich.	Longworth	Peters
Davis, Tex.	Hamilton, N. Y.	Loud	Pratt
Decker	Hart	McDermott	Price

Roberts, Nev.	Shouse	Sulloway	Walsh
Rowland	Slayden	Summers	Ward
Sabath	Smith, Mich.	Sweet	Wason
Saunders	Snell	Switzer	Williams, T. S.
Schall	Snyder	Taylor, Colo.	Wilson, Fla.
Scott, Mich.	Stephens, Nebr.	Tilson	Woods, Iowa
Shackleford	Stout	Waiker	Young, N. Dak.

So the motion to table the appeal from the decision of the Chair was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. TAYLOR of Colorado with Mr. SNYDER.
 Mr. OGLESBY with Mr. MADDEN.
 Mr. SABATH with Mr. PAIGE of Massachusetts.
 Mr. HELM with Mr. LONGWORTH.
 Mr. BEAKES with Mr. HOWELL.
 Mr. PARK with Mr. HAMILTON of New York.
 Mr. STOUT with Mr. COPLEY.
 Mr. GRAY of Alabama with Mr. HAMILTON of Michigan.
 Mr. SAUNDERS with Mr. MILLER of Minnesota.
 Mr. McDERMOTT with Mr. CHARLES.
 Mr. WILSON of Florida with Mr. SNELL.
 Mr. HUGHES with Mr. KIESS of Pennsylvania.
 Mr. HART with Mr. ELSTON.
 Mr. LAZARO with Mr. JAMES.
 Mr. BLACKMON with Mr. CAPSTICK.
 Mr. SHACKLEFORD with Mr. NOLAN.
 Mr. O'SHAUNESSY with Mr. YOUNG of North Dakota.
 Mr. FINLEY with Mr. SWITZER.
 Mr. LOFT with Mr. WARD.
 Mr. McKELLAR with Mr. AUSTIN.
 Mr. SLAYDEN with Mr. McKINLEY.
 Mr. ADAIR with Mr. MOORES of Indiana.
 Mr. CLARK of Florida with Mr. FULLER.
 Mr. BYRNES of South Carolina with Mr. MOTT.
 Mr. BELL with Mr. MAPES.
 Mr. MORRISON with Mr. HUMPHREY of Washington.
 Mr. DAVIS of Texas with Mr. MATTHEWS.
 Mr. LEVER with Mr. HAWLEY (and on matters of local interest).

Mr. CANTRILL with Mr. LANGLEY.
 Mr. CRISP with Mr. HINDS.
 Mr. GREGG with Mr. STEENERSON.
 Mr. McGILLICUDDY with Mr. GUERNSEY.
 Mr. STEPHENS of Nebraska with Mr. SLOAN.
 Mr. LEE with Mr. FOSS.
 Mr. AIKEN with Mr. GRAHAM.
 Mr. MORGAN of Louisiana with Mr. TILSON.
 Mr. NICHOLLS of South Carolina with Mr. SWEET.
 Mr. PRICE with Mr. NORTON.
 Mr. BURGESS with Mr. DRUKKER.
 Mr. FLOOD with Mr. KAHN.
 Mr. DECKER with Mr. KELLEY.
 Mr. HAY with Mr. McLAUGHLIN.
 Mr. KETTNER with Mr. SCOTT of Michigan.
 Mr. DILL with Mr. McFADDEN.
 Mr. CHURCH with Mr. DUNN.
 Mr. GARNER with Mr. GREENE of Massachusetts.
 Mr. CARTER of Oklahoma with Mr. HUTCHINSON.
 Mr. SHOUSE with Mr. LOUD.
 Mr. SUMNERS with Mr. MAGEE.

For the balance of the session:

Mr. WALKER with Mr. THOMAS S. WILLIAMS.
 Mr. FERRIS with Mr. FREEMAN.
 Mr. CALLAWAY with Mr. PETERS.
 Mr. BURKE with Mr. WASON.
 Mr. FOSTER with Mr. CHIPERFIELD.
 Mr. PATTEN with Mr. FAIRCHILD.

Mr. PATTEN. Mr. Speaker, I was here on the roll call and voted "aye." I am paired with Mr. FAIRCHILD, of New York, and I desire to withdraw that vote and to be recorded "present."

The name of Mr. PATTEN was called, and he answered "Present."

Mr. FOSTER. Mr. Speaker, I voted "aye." I am paired with the gentleman from Illinois, Mr. CHIPERFIELD, and I desire to withdraw my vote and answer "present."

The name of Mr. FOSTER was called, and he answered "Present."

Mr. MOORES of Indiana. Mr. Speaker, I voted "no." I am paired on the final vote with Mr. ADAIR, not on the preliminary vote, and I desire my vote to stand.

The SPEAKER. The Chair wants to announce again that the Chair has nothing on earth to do with pairs. If he could do it, he would abolish them. [Applause.] This is an outside performance.

The result of the vote was announced as above recorded.

The SPEAKER. So the decision of the Chair stands as the judgment of the House. [Applause.]

Mr. PARKER of New Jersey. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from New Jersey rise?

Mr. PARKER of New Jersey. Mr. Speaker, I move to recommit the bill to the Committee on Interstate and Foreign Commerce.

Mr. ADAMSON. Mr. Speaker, I make the point of order against that.

Mr. PARKER of New Jersey. The other motion being held out of order, this is the first motion made.

Mr. ADAMSON. Mr. Speaker, on that I demand the previous question.

The SPEAKER. On what?

Mr. ADAMSON. On the gentleman's motion to recommit.

The SPEAKER. Here is the situation about that: The other motion to recommit was ruled out of order, and being null and void, the gentleman from New Jersey has a right to make a motion to recommit.

Mr. ADAMSON. I recognize that and withdraw my point and move the previous question on the gentleman's motion.

The SPEAKER. The gentleman from Georgia moves the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced the yeas seemed to have it.

Mr. MANN. Mr. Speaker, I demand a division.

The House again divided; and there were—yeas 67, yeas 181.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. ADAMSON. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Georgia demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Evidently a sufficient number, and the Clerk will call the roll.

The question was taken; and there were—yeas 239, yeas 56, answered "present" 5, not voting 132, as follows:

YEAS—239.

Abercrombie	Doremus	Husted	Pou
Adamson	Doughton	Igoe	Powers
Alexander	Dowell	Jacoway	Quin
Allen	Driscoll	Johnson, Ky.	Ragsdale
Almon	Dupré	Jones	Rainey
Ashbrook	Eagan	Keating	Raker
Aswell	Eagle	Keister	Ramseyer
Ayres	Edwards	Kennedy, Iowa	Randall
Bailey	Estopinal	Key, Ohio	Rauch
Barkley	Evans	Kincheloe	Rayburn
Barnhart	Farley	King	Reavis
Beales	Farr	Kinkaid	Reilly
Booher	Fields	Kitchin	Ricketts
Borland	Fitzgerald	Konop	Riordan
Bowers	Flynn	La Follette	Rodenberg
Britt	Focht	Lenroot	Rouse
Bruckner	Gallagher	Leshner	Rubey
Brumbaugh	Gallivan	Lever	Rucker
Buchanan, Ill.	Gandy	Lewis	Russell, Mo.
Buchanan, Tex.	Gard	Lieb	Russell, Ohio
Burnett	Garland	Liebel	Scott, Pa.
Byrns, Tenn.	Glass	Lindbergh	Scully
Caldwell	Godwin, N. C.	Linthicum	Sears
Campbell	Goodwin, Ark.	Littlepage	Shallenberger
Candler, Miss.	Gordon	Lloyd	Sherley
Cannon	Gray, Ind.	Lobeck	Sherwood
Caraway	Green, Iowa	London	Siegel
Carew	Griffin	McAndrews	Sims
Carlin	Hadley	McClintic	Sinnot
Casey	Hamill	McCracken	Sisson
Chandler, N. Y.	Hamlin	McCulloch	Slemp
Cline	Hardy	McLemore	Small
Coady	Harrison	Maher	Smith, Idaho
Collier	Haskell	Mays	Smith, Minn.
Connelly	Hastings	Miller, Del.	Smith, N. Y.
Conry	Hangen	Mondell	Sparkman
Cooper, Ohio	Hayley	Montague	Stafford
Cooper, W. Va.	Hayden	Moon	Stagall
Cooper, Wis.	Heaton	Mooney	Stedman
Costello	Heflin	Morgan, Okla.	Steele, Iowa
Cox	Helgesen	Morin	Steenerson
Crosser	Helvering	Moss	Stephens, Miss.
Cullop	Hicks	Mudd	Stephens, Tex.
Curry	Hillard	Murray	Stone
Dale, N. Y.	Holland	Neely	Sutherland
Davenport	Hollingsworth	Nelson	Swift
Davis, Minn.	Hood	North	Taggart
Denison	Hopwood	Oldfield	Tague
Dent	Houston	Oliver	Talbot
Dewalt	Howard	Olney	Tavener
Dickinson	Huddleston	Overmyer	Taylor, Ark.
Dies	Hubert	Padgett	Thomas
Dixon	Hull, Iowa	Page, N. C.	Thompson
Doelling	Hull, Tenn.	Phelan	Tillman
Doellittle	Humphreys, Miss.	Porter	Timberlake

Tinkham
Towner
Tribble
Van Dyke
Venable

Vinson
Volstead
Watkins
Watson, Va.
Webb

Whaley
Wheeler
Williams, W. E.
Williams, Ohio
Wilson, La.

Wingo
Wise
Wood, Ind.
Young, Tex.

NAYS—56.

Bacharach
Barchfeld
Bennet
Black
Britten
Browning
Butler
Carter, Mass.
Coleman
Cramton
Dale, Vt.
Dallinger
Danforth
Darrow

Dempsey
Dillon
Edmonds
Fess
Fordney
Gardner
Gillett
Glynn
Gould
Graham
Gray, N. J.
Greene, Vt.
Griest
Hill

Johnson, S. Dak.
Kennedy, R. I.
Kreider
Lafean
Lehbach
McArthur
Mann
Meeker
Moore, Pa.
Oakley
Parker, N. J.
Parker, N. Y.
Platt
Roberts, Mass.

Rogers
Rowe
Sanford
Sells
Steele, Pa.
Sterling
Stinson
Temple
Treadway
Vare
Watson, Pa.
Wilson, Ill.
Winslow
Woods, Iowa

ANSWERED "PRESENT"—5.

Foster
Moore, Ind.

Morrison
Patten

Sloan

NOT VOTING—132.

Adair
Alken
Anderson
Anthony
Austin
Beakes
Bell
Blackmon
Browne
Burgess
Burke
Byrnes, S. C.
Callaway
Cantrill
Capstick
Carter, Okla.
Cary
Charles
Chipfield
Church
Clark, Fla.
Copley
Crago
Crisp
Davis, Tex.
Decker
Dill
Drukker
Dunn
Dyer
Ellsworth
Elston
Emerson

Esch
Fairchild
Ferris
Finley
Flood
Foss
Frear
Freeman
Fuller
Garner
Garrett
Good
Gray, Ala.
Greene, Mass.
Gregg
Guernsey
Hamilton, Mich.
Hamilton, N. Y.
Hart
Hayes
Helm
Henry
Hensley
Hernandez
Hinds
Howell
Hughes
Humphrey, Wash.
Hutchinson
James
Johnson, Wash.
Kahn

Kearns
Kelley
Kent
Kettner
Kless, Pa.
Langley
Lazaro
Lee
Loft
Longworth
Loud
McDermott
McFadden
McGillcuddy
McKellar
McKenzie
McKinley
McLaughlin
Madden
Magee
Mapes
Martin
Matthews
Miller, Minn.
Miller, Pa.
Morgan, La.
Mott
Nicholls, S. C.
Nichols, Mich.
Nolan
Norton
Oglesby
O'Shaunessy

Paige, Mass.
Park
Peters
Pratt
Price
Roberts, Nev.
Rowland
Sabath
Saunders
Schall
Scott, Mich.
Shackleford
Shouse
Slayden
Smith, Mich.
Smith, Tex.
Snell
Snyder
Stephens, Nebr.
Stout
Sulloway
Summers
Sweet
Switzer
Taylor, Colo.
Tilson
Walker
Walsh
Ward
Wason
Williams, T. S.
Wilson, Fla.
Young, N. Dak.

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. ADAIR (for the bill) with Mr. MOORES of Indiana (against).

Until further notice:

Mr. GREGG with Mr. ANTHONY.

Mr. AIKEN with Mr. SULLOWAY.

Mr. SMITH of Texas with Mr. CRAIG.

Mr. FOSTER. Mr. Speaker, I voted "yea" on this bill, and I desire to withdraw by vote and answer "present." I am paired with the gentleman from Illinois [Mr. CHIPERFIELD].

The result of the vote was announced as above recorded.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. CAPSTICK, by unanimous consent, was granted leave of absence for one week, on account of illness.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I do so merely that the gentleman from North Carolina may make some statement to the House as to what is likely to be before it to-morrow outside of the Webb export bill and the situation as to the revenue bill.

Mr. KITCHIN. Mr. Speaker, the revenue bill, of course, will not be before the House, but the Webb bill will, and we are expecting that this bill which has just been passed will come back from the Senate in some form or other, and therefore it will be necessary for every man to be here to-morrow and not leave the city.

Mr. MANN. As to the revenue bill, has the gentleman any information as to when that is likely to be here?

Mr. KITCHIN. That is likely to be here Tuesday.

Mr. MANN. I take it that when it comes the gentleman will ask to send it to conference?

Mr. KITCHIN. I will; yes. I will ask unanimous consent to send it to conference.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 1528. An act for the relief of Martin Huhn.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 13391. An act to amend certain sections of the act entitled "Federal reserve act," approved December 23, 1913.

SENATE BILL REFERRED.

Under clause 2, rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6667. An act to incorporate the American Nurses' Association; to the Committee on the District of Columbia.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p. m.) the House, under its previous order, adjourned until to-morrow, Saturday, September 2, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes, reported the same with amendments, accompanied by a report (No. 1184), which was ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a joint resolution were introduced and severally referred as follows:

By Mr. DENT: A bill (H. R. 17710) authorizing the construction of a bridge across the Tallapoosa River, dividing the counties of Montgomery and Elmore, in the State of Alabama, at a point somewhere between Judkin Ferry and Hughes Ferry; to the Committee on Interstate and Foreign Commerce.

By Mr. HUDDLESTON: A bill (H. R. 17711) to repeal the provision for compulsory military service in the national defense act approved June 3, 1916; to the Committee on Military Affairs.

By Mr. KREIDER: Joint resolution (H. J. Res. 303) extending aid for proper military training in Indian schools; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 17712) granting a pension to William Hopkins; to the Committee on Pensions.

By Mr. COSTELLO: A bill (H. R. 17713) granting a pension to Elizabeth Harmoning; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 17714) granting a pension to Thomas A. M. Chambers; to the Committee on Pensions.

By Mr. NORTH: A bill (H. R. 17715) granting an increase of pension to John A. Bennett; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 17716) granting an increase of pension to Charles Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17717) granting a pension to Blain Pedago; to the Committee on Pensions.

Also, a bill (H. R. 17718) granting a pension to Lillie Roberts; to the Committee on Pensions.

By Mr. REAVIS: A bill (H. R. 17719) authorizing the Secretary of the Interior to enroll Mary E. Godbey, née Mary E. Green, and her two children, Martha Jane Palmer, née Martha Jane Godbey, and Lemuel S. Godbey as Cherokee Indians; to the Committee on Indian Affairs.

By Mr. RUSSELL of Missouri: A bill (H. R. 17720) granting a pension to John Garrison; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 17721) granting an increase of pension to John A. Poston; to the Committee on Invalid Pensions.

By Mr. SWIFT: A bill (H. R. 17722) granting a pension to Samuel Breitigan; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: A bill (H. R. 17723) for the relief of Guy Frankenfield, C. F. Thieme, Frederick Johnson, Charles Johnson, and Gorman Dahly; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Memorial of Ohio conference of Seventh-day Adventists, Newark, Ohio, relative to Sunday observance; to the Committee on the District of Columbia.

By Mr. BRUCKNER: Petition of Santini Bros., of New York City, favoring a duty of 50 cents per gallon of gasoline exported; to the Committee on Ways and Means.

Also, petition of the American Association of Masters, Mates, and Pilots, United Harbor No. 1, of New York City, against passage of House bill 9678, relative to compulsory pilotage, coastwise barges; to the Committee on the Merchant Marine and Fisheries.

Also, petition of William A. Schley, of New York City, favoring passage of the Stephens-Ayres-Ashurst bill, relative to dishonest advertising; to the Committee on Interstate and Foreign Commerce.

Also, petition of memorial and executive committee of the United Spanish War Veterans of the Borough of Brooklyn, relative to pensions for widows and orphans of deceased war veterans; to the Committee on Pensions.

Also, petition of the Screw Machine Products Corporation, Providence, R. I., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Max Tuttleman, of New York, favoring passage of House bill 6915, Griffin bill; to the Committee on the Post Office and Post Roads.

Also, petition of Meridale Farms, Delaware County, N. Y., against passage of House bill 16307, relative to registering purebred live stock; to the Committee on Agriculture.

Also, petition of W. E. Washington, of New York City, favoring passage of House bill 16631, to increase the pay of the custodian employees; to the Committee on Expenditures in the Treasury Department.

Also, petition of Mrs. Hester Smith, of New York, favoring Nolan bill; to the Committee on Labor.

Also, petitions of Rudolf Strauss and John F. Leyden, of New York City, favoring amendment to House bill 8044, relative to boats of the department of the supervisor of the port of New York; to the Committee on Military Affairs.

Also, petition of Brotherhood of Railroad Trainmen, New York City, favoring passage of House bill 15950, salary increase for safety inspectors; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES: Petition of Schenectady (N. Y.) railways, favoring exclusion of electric roads from any eight-hour bill enacted by Congress; to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce of New York, against enactment of eight-hour legislation for railroads at present time; to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER: Petitions of sundry citizens of Beverly, Mass., protesting against certain acts of Great Britain; to the Committee on Foreign Affairs.

By Mr. MORGAN of Oklahoma: Petitions of citizens of Oklahoma, relative to threatened railroad strike; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Petition of R. R. Grace & Co., Oceanic Steamship Co., Matson Navigation Co., China Mail Steamship Co., Pacific Coast Steamship Co., Alaska Pacific Navigation Co., and North Pacific Steamship Co., against certain Senate amendment to the shipping bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. SNYDER: Petition of New York Federation of Labor and Utica (N. Y.) Trades Assembly, favoring eight-hour law for railroads and against arbitration; to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce of New York City and Rome, N. Y., against enactment of eight-hour legislation for railroads at the present time; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: Petition presented by Mr. N. W. Young, adopted at a public meeting on August 27, 1916, at East Brook, Pa., favoring antipolygamy amendment to the United States Constitution; to the Committee on the Judiciary.

Also, petition presented by Mr. L. S. Clark, adopted at a public meeting on August 27, 1916, at Neshannock, favoring antipolygamy amendment to the United States Constitution; to the Committee on the Judiciary.

Also, 16 memorials signed by Messrs. W. A. Hoffman, A. S. Stauffer, A. D. Campbell, George W. Wickenhouse, John P. Paff, G. Salomon, V. Sakraida, John C. C. Sheer, A. Hanauer, Fred Michel, E. J. Grosyllass, H. Harp, William F. Renner, M. M. Allbeck, and William Pfeifke, all residents of Beaver Falls, Pa., protesting against submission by the United States to any violation of American neutral rights; to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Ohio: Petition of Lake Shore Electric Railway Co., Sandusky, Ohio, relative to exempting electric railways in eight-hour-day bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Akron (Ohio) Chamber of Commerce, relative to postponement of railroad strike; to the Committee on Interstate and Foreign Commerce.

Also, petition of Northern Ohio Traction & Light Co., Akron, Ohio, to exclude electric railways from any eight-hour law; to the Committee on Interstate and Foreign Commerce.

Also, petition of Columbus Chamber of Commerce, Columbus, Ohio, in re postponement of railroad strike; to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, September 2, 1916.

(Legislative day of Friday, September 1, 1916.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

PROPOSED RAILROAD LEGISLATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bryan	Kenyon	Oliver	Sheppard
Clarke, Ark.	Kern	Overman	Sherman
Culberson	Lane	Owen	Simmons
Cummins	Lea, Tenn.	Penrose	Smith, Ga.
Gallinger	McCumber	Pittman	Smith, S. C.
Gronna	Martin, Va.	Reed	Smoot
Hardwick	Myers	Robinson	Sterling
Husting	Nelson	Ransdell	Taggart
Jones	Newlands	Shafroth	Wadsworth

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent on account of illness in his family. I will let this announcement stand for the day.

Mr. KERN. The Senator from Mississippi [Mr. WILLIAMS] is unavoidably detained this morning. I desire to make an additional statement. Yesterday evening the Senator from Mississippi was called to the station on account of his family going away, and I promised to make the announcement when the roll was called. I neglected to do it. I desire to say now that he was unavoidably detained for that reason on the first roll call at the evening session.

The PRESIDENT pro tempore. Thirty-six Senators have responded to the call, and the Chair will direct the Secretary to call the roll the second time.

The Secretary called the names of the absent Senators, and Mr. CHAMBERLAIN, Mr. CLAPP, Mr. CURTIS, Mr. DILLINGHAM, Mr. FLETCHER, Mr. HITCHCOCK, Mr. LA FOLLETTE, Mr. SWANSON, and Mr. WALSH answered to their names when called.

Mr. COLT, Mr. BRANDEGEE, Mr. BRADY, Mr. THOMAS, and Mr. VARDAMAN entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty Senators have answered to their names. There is a quorum present.

Mr. SHAFROTH obtained the floor.

Mr. GALLINGER. Will the Senator permit me to offer an amendment?

Mr. SHAFROTH. I am offering an amendment myself.

Mr. GALLINGER. All right.

Mr. SHAFROTH. I wish to say just a few words in relation to this proposed amendment.

The PRESIDENT pro tempore. Will the Senator from Colorado permit the Chair to make a statement before he proceeds?

Mr. SHAFROTH. Certainly.

The PRESIDENT pro tempore. Last evening, before the unanimous consent was entered into pursuant to a practice here for a long time, certain Senators notified the Chair that they desired to address the Senate, and the Chair made a note of the names in the order in which the applications were made. The Senator from Colorado [Mr. SHAFROTH] made the first application, and his name appears first on the list, and also the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Illinois [Mr. LEWIS], and the Senator from Illinois [Mr. SHERMAN]. The Chair thought it proper to say that unless the Senate should indicate a different opinion he would divide the period of 30 minutes until 12 o'clock between the four names mentioned—that is to say, the Chair recognizes first the Senator from Colorado, in accordance with his request, next the Senator from Wisconsin [Mr. LA FOLLETTE], then the junior Senator from Illinois [Mr. LEWIS], and then the senior Senator from Illinois [Mr. SHERMAN], if that arrangement will be satisfactory.

The 15-minute period has not yet been disposed of, and the Chair will not undertake to do that, hoping that the representatives on either side of the Chamber will make a division of that time.

Mr. SMOOT. I understood that the 15-minute period began at 10 o'clock.

The PRESIDENT pro tempore. The 30-minute period.

Mr. SMOOT. I understood that it was changed. The first unanimous-consent agreement presented was that beginning with 10 o'clock there should be no speech longer than 30 minutes, but it was finally decided—

The PRESIDENT pro tempore. The unanimous-consent agreement is recorded, and it is correct.

Mr. NEWLANDS. It is 30 minutes during the first 2 hours.

The PRESIDENT pro tempore. Thirty minutes the first two hours.

Mr. NEWLANDS. May I ask whether the Senator from Wisconsin [Mr. LA FOLLETTE] is included among those mentioned by the Chair?

The PRESIDENT pro tempore. He is. The order will be, unless the Senate changes it or express a desire to change it, the Senator from Colorado [Mr. SHAFROTH] for 30 minutes, the Senator from Wisconsin [Mr. LA FOLLETTE] 30 minutes, the junior Senator from Illinois [Mr. LEWIS] 30 minutes, and the senior Senator from Illinois [Mr. SHERMAN] 30 minutes. The Senator from Colorado.

Mr. GALLINGER. Mr. President, I rise to a personal matter.

The PRESIDENT pro tempore. The Senator from New Hampshire will state it.

Mr. GALLINGER. It was an inadvertence beyond a doubt on the part of the Chair, but the rule is very explicit that a unanimous-consent agreement can not be entered into until after the roll has been called. Last evening the Chair declared the unanimous-consent agreement agreed to before the roll was called. Of course, the calling of the roll would be an empty formality if the agreement had been entered into before that time.

The PRESIDENT pro tempore. If the Senator from New Hampshire will read the last paragraph, page 15849 of the RECORD, he will find that the Chair made this statement. It is a fact that no Senators came in and the roll call disclosed that they were present at the time the unanimous consent was agreed to after a long negotiation. No additional attendance was shown by the roll call and the Chair made this announcement:

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. There is a quorum present. The unanimous-consent agreement will stand, a quorum being disclosed.

That was rather an informal way of doing it, but it drew the matter to the attention of the Senate.

Mr. GALLINGER. But the roll was called after that.

The PRESIDENT pro tempore. The Senator is mistaken about that.

Mr. BRANDEGEE. I wish to state to the Chair that my recollection of the rule is that a proposed unanimous-consent